Senator Frank Church Answers President Nixon

DECEMBER 1969

The Washington Monthly

Tax Resistance– An Alternative to Violence

Internal Revenue Service
U.S. Treasury Department
Washington, D.C. 20224

Gentlemen:
Enclosed please find my check for $1,862.81, which is 77% of the tax required. The 23% unpaid is a protest against the government's use of that proportion of its revenue for the war in Vietnam. My conscience revolts against the gross immorality of the war.

There are also questions of law. The war violates the supreme law of our land, notably the Constitution (Art. I [illegible]), the United Nations Charte[illegible] the Southeast Asia Tr[illegible]

Also:
Albert O. Hirschman
Allard K. Lowenstein
Morton Mintz

ONE DOLLAR

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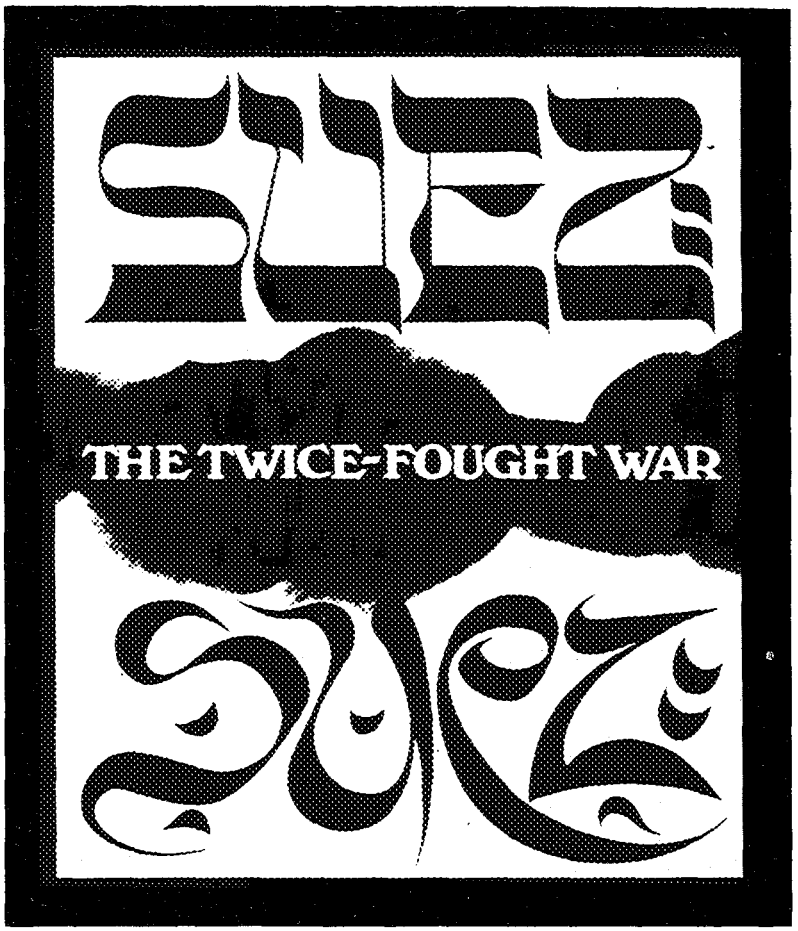
The Middle Eastern powder keg



by Kennett Love

In one of the most distinguished—and absorbing—histories McGraw-Hill has ever published, Kennett Love, former *New York Times* correspondent in the Middle East, recreates and interprets the implacable Arab-Israeli conflict and brings to life the people and places in the drama. Tracing the struggle for Palestine from its pre-Hitler days through World War II, and the Middle East wars of 1948, 1956, and 1967 to the present state of "permanent" hostility, he concludes with a lucid analysis of how the Middle East, where civilization was born, has become the place where it could die.

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Letters

On Jamie Whitten

The article on Representative Whitten by Nick Kotz ["Jamie Whitten: The Permanent Secretary of Agriculture," October, 1969] points precisely to the purpose for your magazine. I wrote to Representative Whitten minutes after having finished the article.

In my work with both the poverty program and domestic nutrition issues, I have seen the need for rethinking food policies. I have sensed for some time a real confusion about where federal decisions are made.

The article has pierced the protective covering surrounding the mechanisms which make policy on malnutrition in the U.S., mechanisms so well established that they may threaten the entire system of checks and balances.

It is therefore increasingly evident that the only way to bring change is through the same kind of pressure that has begun to bring rethinking to another area of questionable policy. Through efforts like that of your magazine, I suggested to Representative Whitten, he may in the near future be put under heat comparable to that which our Vietnam policy makers are feeling. Now is the time for him to begin to alter his public position.

JOHN W. FRANKLIN, JR.
Washington, D.C.

Mr. Franklin is with the American Technical Assistance Corporation.

Equalizing Education

I enjoyed your article, "The Impotent School Board," contained in your September, 1969, issue. The California legislation which bears my name, mentioned on page 50, was passed in 1964 and signed into law by then-Governor Brown. The measure was adopted in response to strong public pressures for reform in the way California school districts were organized. At that time, the State had more than 1,500 separate and more-or-less independent school districts, ranging from the 600,000-student Los Angeles City Unified School District to numerous tiny and over-financed districts in mountainous areas, with as few as six students.

Invariably, the very small districts were located in areas of immensely high property values, while the larger urban and suburban districts had a much lower tax base. The Indian Springs School District in Shasta County, for example, had $500,000 in assessed property value to support each of its school children, while the Willowbrook District in Watts in Los Angeles enjoyed a tax base of less than $2,000 per child. Resolution of these great inequities so that each California school child had a relatively equal amount of tax dollars behind his education was a principal reason for the 1964 Unruh Act.

The law would not have been very effective, however, had it not contained financial rewards for school districts voluntarily agreeing to merge, with the approval of state authorities. After five years under the statute, complete success in reducing financial and educational inequities cannot be reported, but we have reduced the total number of independent school districts in California from 1,500 to about 1,100 and many underfinanced units have become unified with their wealthier neighbors, thus evening out the tax load, broadening educational opportunity for many children, and creating stronger units of local government for many of our public schools.

JESS UNRUH
Sacramento, California

Mr. Unruh is the Democratic Leader of the California Assembly.

Doctors and Diplomaism

David Hapgood's basic thesis that Diplomaism has become an American obsession which restricts career development is unarguable. Almost everything else in the series, however, is incorrect, exaggerated,

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or just plain unwise.

I shall restrict my comments to the field I know best, medicine, after pointing out that Hapgood is incorrect when he says that "most studies show high school dropouts to be as smart if not smarter than those who stay inside the walls" (most studies show the exact opposite).

Writing of medicine, Hapgood ignores the entire sociology of the professions and, in fact, appears ignorant of the difference between the professions and other occupations, a matter which, far from being irrelevant or a matter of semantics, has occupied such men as Everett Hughes, Harold Laski, and Alfred North Whitehead. If "diplomaism" is to be fought, both the author and his readers should be aware of the very real non-economic forces involved. Hapgood's assertion that "the AMA and such specialty boards as the American College of Surgeons...hold sway over lesser craft guilds" simplifies a complex issue to the point of parody. In fact, the "lesser guilds," quite probably because they *are* "lesser" in prestige and thus more nervous about their status, are extremely anxious lest physicians sell out their territory to "unqualified" newcomers. Thus when the New York Medical Society recently opposed a six-year course for optometrists, contending that a fully competent optometrist can be prepared with three or four years beyond high school," the optometrists replied that the medical society had no right to suggest standards for other professions.

Mr. Hapgood's conspiratorial turn of mind leads him to see the Flexner Report of 1910 as primarily a way for the AMA to get "a stranglehold on the supply of doctors." Once again he ignores both social and medical history. The Flexner Report was hardly greeted with unanimous approval by the AMA, for the "reactionary" elements in the society at that time saw it as government interference with medical practice. The liberal, enlightened elements in both medicine and journalism fought to protect the consumer by getting a hundred or so "bucket shops" closed down. Hapgood's pious injunction that somehow the AMA in the post-1910 decade should have "improved doctors' training while keeping up the supply" ignores the fact that the Flexner Report urged that medical schools be part of a university complex, that they have strong full-time paid faculties, and that research facilities be part of the student's education. The medical schools that survived the Flexner Report struggled manfully to improve doctors' training, but to have kept up the supply would have been equivalent to changing your local barber college to the equal of Amherst. How could the supply have been kept up in Missouri and Tennessee, which had 14 and 10 medical schools respectively?

Hapgood writes of "the increasingly desperate struggle for admission" to medical school. This is not true. The ratio of applicants to places available has been about the same for the past four years, and is significantly better than in the 1950's. In 1967-68 18,724 young men and women submitted applications to American medical schools, and 9,702 were accepted. This 2:1 ratio compares favorably with that of 1950-55, when it hovered around 4:1 and, of course, is nowhere near the 30:1 odds suggested by the figure that Hapgood cites for a single prestigious medical school.

Hapgood is correct, I believe, when he deplores the diversion of medical students from patient care into research. Again, however, ignorance or naiveté leads him into blaming the AMA for doing "nothing effective to prevent the gradual disappearance of the general practitioner." Only someone incredibly ignorant of the edgy relationship between the AMA and the specialty societies could write such a sentence. The AMA has always been the stronghold of the general practitioner—quite obviously, for each new specialty society diverted its members' prime fealty from the AMA to the American College of Surgeons or whatever. The fact that the AMA has not been able to reverse this trend (despite all its editorials and experiments in Family Medicine residencies) proves, first, that the AMA does not have the power Mr. Hapgood and others think it does, and, second, that the trend stems from deep forces in American society (and medicine) and can not be turned around by fiat.

Hapgood also manages to overlook the deep-seated suspicion between the AMA and the medical schools themselves on this and other issues. It is true that until recently

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many medical schools and teaching hospitals (including the Massachusetts General of the now-canonized Dr. Knowles) have concentrated on turning out researchers. Through the same years the AMA has been deploring the trend to specialization and the over-emphasis on research. Neither the medical school faculties (often politically "liberal") nor their organization (the American Association of Medical Colleges) have been in much sympathy with the AMA on this issue. The conflict has had all the aspects of town v. gown, East v. Midwest, liberal v. conservative.

Mr. Hapgood quotes someone as saying, "There are good men in the industry (medicine). You don't hear about them because they keep quiet. They're afraid of getting caught." Neither I nor my colleagues need compliments from Mr. Hapgood or Mr. Lesh. We will not accept their labels of "He's good, for a doctor," any more than we would "He's good, for a Jew."

Lastly, I would direct the attention of your readers to the remedies that Mr. Hapgood suggests. "Denuded of the academic fig leaf, we would all have to examine ourselves—and be examined by others." Mr. Hapgood wants to kill "diplomaism," and in its place substitute "examism." Anyone who knows anything about the "eleven-plus" in England or the "baca" in France will start to shiver when he thinks about how, in Mr. Hapgood's world, we would all be examining one another. Don't think that the ETS up in Princeton wouldn't be ready with a whole set of scientifically-designed exams for everyone from baby-sitters to retinal surgeons. Don't think that the exams wouldn't become encoded and encrusted the way the formal academic requirements have. Don't think that corruption, frustration, and error won't abound in a system where "we would all have to examine ourselves—and be examined by others." Of course if any such system were instituted, we could count on Mr. Hapgood to come along and write a bitter article denouncing it as anti-human, anti-intellectual—which it would be.

As I said, Hapgood's basic point is valid. Diplomas and formal educational requirements have too often become a substitute for real knowledge. There is, however, something to be said for formal training in any academic discipline—exams can not substitute for systematic exposure to basic theory and to factual material which may never appear on an exam. As a sometime free-lance journalist, I am well aware that this occupation has no formal standards for training, research, or accuracy. One sometimes wishes it did....

MICHAEL J. HALBERSTAM, M.D.
Washington, D.C.

Schlesinger vs. McCarthy

What is to be done about Arthur Schlesinger, Jr.? [*The Year of the People* was reviewed by Arthur Schlesinger, Jr., in November] Spiro T. Agnew suggests that the networks should control the manipulation of the news by the commentators—a dangerous direction for anybody to take. We must stand on principle here and defend the freedom of the pen. But a moment of indulgence would be sweet. One longs to seize and destroy that bottle of vitriol Mr. Schlesinger keeps handy whenever he goes to work on Eugene McCarthy. Could one give him Parker's washable blue?

How much longer will the Kennedy courtiers continue to make Eugene McCarthy the scapegoat for their guilt, their compromise on the issues of 1968, their bitter knowledge that the techniques of the Kennedy campaign were indefensible? Indeed, they bear a heavy burden. Who can compute their share of the blame that the issues of 1968 are still with us and will be until 1972? Robert Kennedy's memory would be better served if these people could face the psychological and political facts which the rest of us are forced to confront.

I find Mr. McCarthy's book enormously instructive. It is cool, detached, and revolutionary. The younger generation ought to be grateful for the absence of bombast, spurious panaceas, and phony rhetoric. It is a primer for old and young on the faults of the old politics. What can be more useful in these times when the young are something to be conjured with in the new politics. Or doesn't Mr. Schlesinger know that?

MRS. PERCY H. WOOD, JR.
Princeton, New Jersey

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Biafra and the Foreign Service

How can someone outside of the Department of State who has no direct knowledge of the "inside" details of its current activities evaluate the conflicting accounts of the Foreign Service given by Mr. Bell ["The Cost of Cowardice: Silence in the Foreign Service," July, 1969] and by Ambassador Crockett ["An Ambassador's Rebuttal," November, 1969]? I think we have only two ways: (1) Evaluate *past* cases for which we do have these details; and (2) evaluate current *results* in terms of current State Department policies.

(1) We now have sufficient details of the State Department and Foreign Service performance before and during WWII with respect to the Nazi extermination of 6,000,000 Jews to be able to assess State's performance at that time. This information proves fairly conclusively that the Foreign Service at that time operated much more in accordance with Mr. Bell's current analysis than Ambassador Crockett's. State and the Foreign Service did its best to *obstruct* attempts to save Jews from extermination, cooperating (when forced to do so) grudgingly, belatedly, and on the whole inadequately. (See, for instance, Arthur D. Morse's account in *While Six Million Died* of the deliberate eight-month State Department delay in authorizing relief for the Jews of France and Rumania, and his account of the "play it safe" rejections of visa requests by the U.S. Consul in Rotterdam, on the asinine grounds that these people, many M.D.'s, some with wealthy relatives in the U.S., were "likely to become public charges"! Some of the excerpts presented by Morse from the early 1944 U.S. Treasury Department's eighteen-page indictment of the State Department careerists responsible for our "acquiescence ...in the murder of the Jews" are as damning of State Department personnel as anything could be.)

(2) But it will no doubt be claimed that the '30's and '40's were a long time ago, and things have radically changed. But have they? Rather than point to Vietnam, or any of the by now overly familiar examples of State Department and Foreign Service failures, let me refer to a current case which runs so frighteningly parallel to the WWII failure of State Department careerists to save the Jews of Europe that one seems driven to the conclusion that today's Foreign Service officers are not much different than their counterparts of the '30's and '40's.

I refer to their failure for the past year or so to make any serious attempt to save 2,000,000 Biafrans, mostly children, who have been starved to death by the Nigerians. (The Nigerians are now working on their third million, but State still professes an impotent neutrality, refusing even to recommend that the matter be brought before the U.N.)

This failure to act effectively stems directly from the faulty information and advice given by the Foreign Service, which resulted in the State Department's adoption of a "One Nigeria" policy. This policy, originally promoted by important Foreign Service officers (e.g., Joseph Palmer II), seems certain to continue *no matter how many African lives it costs.* It is as though, once a policy is adopted, the whole vast organization then moves with the single purpose of supporting that policy, just as one would expect on Mr. Bell's analysis. (Of course, the fact that this policy is thought—erroneously—to be in the economic interests of major oil companies, chiefly British, makes it just that much harder to overthrow.)

Thus, the Biafra tragedy presents us with a current example of Foreign Service and State Department blindness as to what really is going on in the world, coupled with a kind of value blindness. (Even if "One Nigeria" were otherwise a good thing, how could it possibly be worth millions of lives and a country in chaos?)

Mr. Bell's account of what goes on in the Foreign Service offers an at least plausible explanation of Foreign Service failures of this kind. For instance, it offers a plausible explanation of the State Department's refusal to change its Nigeria/Biafra policy long after it should have become clear to everyone that that policy is incorrect. But one wonders, after reading Ambassador Crockett's account, how such a well-run organization could have been so wrong and so ineffective so often. Would Ambassador Crockett care to enlighten us on that score?

HOWARD KAHANE
Lawrence, Kansas

Mr. Kahane is Associate Professor of Philosophy at the University of Kansas.

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Compulsory Politics

"The Shakedown Cruise" by Jerry Landauer in your October issue is excellent. It does a fine job of exposing a common and odious practice—the use of forced dues for political purposes. The next step, however, should be to analyze what could be done to solve the problem. The answer is simple: make union membership voluntary and let the workers "vote" with their feet.

By the way, the use of compulsory dues for political purposes is not limited to the SIU. It is standard practice among trade unions. As Victor Riesel pointed out last fall, the AFL-CIO alone spent $60 million to defeat a candidate they termed a "disaster" —yet only 57% of the "union vote," according to a Gallup Poll, went to Mr. Humphrey.

This point was best analyzed by Supreme Court Justice William O. Douglas when he wrote in 1961, "It may be said that the election of a Franklin D. Roosevelt rather than a Calvin Coolidge might be the best possible way to serve the cause of collective bargaining. But even such a selective use of union funds for political purposes subordinates the individual's First Amendment rights to the views of the majority. I do not see how that can be done, even though the objector retains his rights to campaign, to speak, to vote as he chooses. For when union funds are used for that purpose, the individual is required to finance political projects against which he may be in rebellion."

The National Right to Work Committee has urged Congress, in testimony before the Senate Finance Committee, to take a step toward solving this problem by removing the tax-exempt status of *any* organization (union, Chamber et al) which thus uses compulsory dues for political purposes.

HUGH C. NEWTON
Washington, D.C.

Mr. Newton is Director of Information of the National Right to Work Committee.

Older Americans

I am sure that the author of the excellent piece, "The Burnt-Out and The Bored," in the September issue would agree that he dealt with only one aspect of the whole complex problem of the aging in America.

Lack of income is, of course, the fundamental and overriding issue. Although Dr. Butler focused principally on the difficulties of the professional older person to whom money is apt to be less of a controlling matter, he still understates the role that money plays.

Having lived in a very intimate way for several years now with pretty much all sides of this question of the needs of the older American, it is my view that enlisting seniors in a militant, multi-purpose, self-organization is the greatest single need of the moment.

In the difficult fight for Medicare, observation forced me to the conclusion that large numbers of elderly persons who engaged in this effort gained just about as much by having become active in a demanding cause as they finally did by the dollars-and-cents (as well as psychological) satisfaction that was achieved by Medicare itself.

JOHN W. EDELMAN
Washington, D.C.

Mr. Edelman is President Emeritus of the National Council of Senior Citizens, Inc.

Polish Hill

Monroe W. Karmin ["Polish Hill: the White Ethnic's Complaint," August, 1969] relates the rejection of several applicants recommended by Polish Hill citizens. This same thing happened to applicants in predominantly black sections of the Pittsburgh Model City neighborhood. In a very controversial action, a black candidate for another section of the Model Cities neighborhood was turned down because of potential conflict of interest. Others were rejected because of lack of qualifications. All of the black area directors, like the white Polish Hill area director, are not residents of the Model City neighborhood. This was done reluctantly because qualified applicants for this position were not available in the neighborhood (though neighborhood residents filled many other positions).

All of the selecting and rejecting was

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done by a personnel committee of citizens.

The real and tragic truth is that the Polish Hill citizenry would grant only a subservient voice to the Negroes in their area. They had to be required to bring Negro citizens into the meetings before they could participate any further.

Polish Hill citizens will say that they were crushed by "Black Power," as Mr. Karmin writes. Not so.

The black citizens of the Model Cities area took a most reasonable position toward their Polish brothers. The conduct of the Polish Hill citizens was a mixture of prejudice, stupidity and pettiness. The reasonable voices in the neighborhood failed to prevail.

Perhaps the new ethnic confederations will help to give better leadership to communities like Polish Hill. I certainly hope so.

REV. DONALD W. McILVANE
Pittsburgh, Pennsylvania

Fewer Structures

Josiah Auspitz's review of Peter Drucker's book *The Age of Discontinuity* [in the November, 1969, issue] and the hope it proffers is unrealistic. Republicans cannot provide new structures by replacing one bureaucracy with another any more than Democrats can do so by simply adding more. Fewer, rather than more, structures standing between the people, their needs and their government are what is needed. The self-perpetuating government bureaucracy is indeed a basic evil, but public subsidy of private organizations creates the identical problem—regardless of the profit motive's entering into the situation and providing incentives; the initial problem is the germination of private interest where the public interest should prevail. There are no simple panaceas to separate power from corruption, but the profit motive, be it ever so much the American Way and the answer to production problems, is indeed part of the problem rather than the answer to good government.

JAN SAENGER
Philadelphia, Pa.

Mrs. Saenger is Secretary of the New Democratic Coalition of Pennsylvania.

During 1969,

The Washington Monthly

has been pleased to publish for its readers sections or adaptations from the following books prior to their actual publication in book form:

The Politics of Schools: A Crisis in Self-Government, by Robert Bendiner, Harper & Row

Diplomaism in America, by David Hapgood, Pegasus (1970)

Exit, Voice & Loyalty, by Albert O. Hirschman, Harvard University Press (1970)

The Economy of Cities, by Jane Jacobs, Random House

The Regulators, by Louis M. Kohlmeier, Harper & Row

Let Them Eat Promises: The Politics of Hunger in America, by Nick Kotz, Prentice-Hall, Inc.

The Ultimate Folly, by Congressman Richard McCarthy, Alfred A. Knopf

The Oppenheimer Case: Security on Trial, by Philip M. Stern, Harper & Row

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Can We Surv

No one can escape the enormous fact that California has changed. What was once desert has become the most productive land in the world. The once-lonely mountain tops are crisscrossed with humming power lines. Powerful industries, from old ones like steel to the most modern aerospace and electronic operations, have been built. California has become one of the most fruitful, one of the richest places on the surface of the earth. This is all change, and it is good.

But there are other changes in California. Its vigorous growth has been achieved by many men and women who came to give their children a healthy place to live. Now, however, when school children in Los Angeles run out to the playing fields, they are confronted by the warning: "Do not exercise strenuously or breathe too deeply during heavy smog conditions." For the sunshine that once bathed the land in golden light has been blotted out by deadly smog. In a number of California towns the water supplies now contain levels of nitrate above the limit recommended by the U.S. Public Health Service; given to infants, nitrate can cause a fatal disorder, methemoglobenemia, and pediatricians have recommended the use of bottled water for infant formulas. The natural resources of California, once a magnet that attracted thousands who sought a good life, now harbor threats to health. Beaches that once sparkled in the sun are polluted with oil and foul-smelling deposits. Rivers that once teemed with fish run sluggishly to the sea. The once famous crabs in San Francisco Bay are dying. Redwoods are top-

Barry Commoner is Director of the Center for the Biology of Natural Systems at Washington University, St. Louis, Missouri.

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vive?

by Barry Commoner

pling from the banks of eroding streams. All this, too, is change, and it is bad.

Thus, much of the good that has been produced in California, through the intelligence and hard work of its people, has been won at a terrible cost. That cost is the possible destruction of the very capital which has been invested to create the wealth of the state —its environment.

The environment makes up a huge, enormously complex living machine—an ecosystem—and every human activity depends on the integrity and proper functioning of that machine. Without the ecosystem's green plants, there would be no oxygen for smelters and furnaces, let alone to support human and animal life. Without the action of plants and animals in aquatic systems, there would be no pure water to supply agriculture, industry, and the cities. Without the biological processes that have gone on in the soil for thousands of years, there would be neither food crops, oil, nor coal. This machine is our biological capital, the basic apparatus on which our total productivity depends. If it is destroyed, agriculture and industry will come to naught; yet the greatest threats to the environmental system are due to agricultural and industrial activities. If the ecosystem is destroyed, man will go down with it; yet it is man who is destroying it. For in the eager search for the benefits of modern science and technology, we have become enticed into a nearly fatal illusion: that we have at last escaped from the dependence of man on the rest of nature. The truth is tragically different. We have become not less dependent on the balance of nature, but more dependent on it. Modern technology has so stressed the web of processes in the living environment at its most vulnerable points that there is little leeway left in the system. We are

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approaching the point of no return; our survival is at stake.

These are grim, alarming conclusions; but they are forced on us, I am convinced, by the evidence. Let us look at some of that evidence.

A good place to begin is the farm—on which so much of California's prosperity is based. The wealth created by agriculture is derived from the soil. In it we grow crops which convert inorganic materials—nitrogen, phosphorus, carbon, oxygen, and the other elements required by life—into organic materials—proteins, carbohydrates, fats, and vitamins—which comprise our food.

The soil, the plants that grow in it, the livestock raised on the land, and we ourselves are parts of a huge web of natural processes—endless, self-perpetuating cycles. Consider, for example, the behavior of nitrogen, an element of enormous nutritional importance, forming as it does the basis of proteins and other vital life substances. Most of the earth's available nitrogen is in the air, as nitrogen gas. This can enter the soil through nitrogen fixation, a process carried out by various bacteria, some of them living free in the soil and others associated with the roots of legumes such as clover. In nature, nitrogen also enters the soil from the wastes produced by animals. In both cases the nitrogen becomes incorporated into a complex organic material in the soil—humus. The humus slowly releases nitrogen through the action of soil microorganisms which finally convert it into nitrate. In turn, the nitrate is taken up by the roots of plants and is made into protein and other vital parts of the crop. In a natural situation the plant becomes food for animals, their wastes are returned to the soil, and the cycle is complete.

This cycle is an example of the biological capital that sustains us. How has this capital been used in California?

The huge success of agriculture in California is a matter of record; it forms the largest single element in the state's economy. To achieve this wealth a vast area in the center of the state has been transformed from a bare desert into the richest agricultural land in the nation. How has this been done? How has this transformation affected the continued usefulness of the soil system, especially the nitrogen cycle?

When the first farmers came to the San Joaquin Valley, they found fertile soil and sunshine; only water was needed to make the valley bloom. This was obtained first from local streams and later, increasingly, from wells which tapped the huge store of water that lay beneath the entire Central Valley. As the bountiful crops were taken, the soil, originally rich in nitrogen, became impoverished. To sustain crop productivity, inorganic nitrogen fertilizers were added to the soil. But with the loss of natural soil nitrogen, humus was depleted; as a result the soil became less porous, and less oxygen reached the roots, which were then less efficient in taking up the needed nutrients from the soil. The answer: more nitrogen fertilizer, for even if a smaller proportion is taken up by the crop, this can be overcome by using more fertilizer to begin with. California now uses more nitrogen fertilizer than any other state—an average of about 450 pounds per acre in 1959.

One of the rules of environmental biology is: "Everything has to go somewhere," and we may ask: Where did the extra nitrate added to the soil, but not taken up by the crops, go? The answer is clear: The unused nitrate was carried down into the soil, accumulating at greater and greater depths as the water table fell due to the continual pumping of irrigation water.

With the water table falling, agriculture in the Central Valley was headed for disaster; recognizing this fact, the state constructed the Friant-Kern Canal,

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which began to supply the valley with above-ground irrigation water beginning in 1951. Irrigation water must always be supplied to soil in amounts greater than that which is lost by evaporation; otherwise salts accumulate in the soil and the plants are killed. So, following the opening of the new canal, the valley water table began to rise toward its original level—carrying with it the long-accumulated nitrates in the soil.

Now there is another simple rule of environmental biology that is appropriate here: "Everything is connected to everything else." The valley towns soon learned this truth, as their drinking water supplies—which were taken from wells that tapped the rising level of underground water—began to show increasing concentrations of nitrate. In the 1950's, the Bureau of Sanitary Engineering of the California Department of Public Health began to analyze the nitrate content of city water supplies in the area. They had good reason for this action, for in July, 1950, an article in the *Journal of the American Water Works Association* had described 139 cases of infant methemoglobenemia in the United States identified since 1947; 14 cases were fatal; all were attributed to farm well water contaminated with more than 45 ppm of nitrate.

At first, only a few scattered instances of high nitrate levels were found in valley water supplies. However, a study of 800 wells in southern California counties in 1960 showed that 88 of them exceeded the 45 ppm limit; 188 wells had reached half that level. In that year, the U.S. Public Health Service recommended that a nitrate level of 45 ppm should not be exceeded, warning:

> Cases of infantile nitrate poisoning have been reported to arise from concentrations ranging from 66 to 1100 ppm....Nitrate poisoning appears to be confined to infants during their first few months of life; adults drinking the same water are not affected, but breast-fed infants of mothers drinking such water may be poisoned. Cows drinking water containing nitrate may produce milk sufficiently high in nitrate to result in infant poisoning.

In Delano, a 1952 analysis showed only traces of nitrate in the city water supply; in 1966, analyses of three town wells obtained by the Delano Junior Chamber of Commerce showed nitrate levels of 70-78 ppm. In 1968, a study by the Water Resources Board, made in reply to a request by State Senator Walter W. Stiern, showed:

> Nitrate concentrations in groundwater underlying the vicinity of Delano are currently in excess of the limit...recommended by the U.S. Public Health Service...similar geologic and hydrologic conditions occur in other areas of the San Joaquin Valley and the state generally.

So agricultural wealth of the Central Valley has been gained, but at a cost that does not appear in the farmers' balance sheets—the general pollution of the state's huge underground water reserves with nitrate. Fortunately, there appear to be no reports of widespread acute infant methemoglobenemia in the area as yet. However, the effects of chronic exposure to nitrates are poorly understood. We do know that in animals nitrate may interfere with thyroid metabolism, reduce the availability of vitamin A, and cause abortions. Moreover, there is evidence that even small reductions in the oxygen available to a developing human fetus—which might occur when the mother is exposed to subcritical levels of nitrate—result in permanent damage to the brain. In sum, the success of agriculture in the Central Valley has been won at a cost which risks the health of the people.

Nor does the nitrogen problem end there. Much of the nitrogen fertilizer

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applied to the soil of the Central Valley finds its way into the San Joaquin River, which drains the irrigated fields. As a result, the river carries a huge load of nitrate into the San Francisco Bay-Delta area. Here the added nitrate intrudes on another environmental cycle—the self-purifying biological processes of natural waters—bringing in its wake a new round of environmental destruction. The excess nitrate—along with excess phosphate from agricultural drainage and municipal wastes—stimulates the growth of algae in the waters of the Bay, causing the massive green scums that have become so common in the area. Such heavy overgrowths of algae soon die off, releasing organic matter which overwhelms the biological purification processes that normally remove it. As a result, the natural balance is destroyed; the water loses its oxygen; fish die; the water becomes foul with putrefying material. In the cooler words of the Department of Interior report on the San Joaquin Master Drain, "Problems resulting from nutrient enrichment and associated periodic dissolved oxygen depression are numerous in the Bay-Delta area."

So the agricultural practices of the great Central Valley have overwhelmed the natural nitrogen cycle of the soil with massive amounts of fertilizer; once this cycle was broken, the rivers were contaminated with nitrate. Reaching the Bay-Delta area, the excess nitrate has destroyed the natural balance of the self-purifying processes in these waters, with the foul results that are only too well known to those who live in that once-sparkling natural area.

This much is known fact. But once the natural cycles of the Bay-Delta waters are disrupted, other biological disasters may soon follow. At the present time, in a number of regions of the Bay-Delta waters, the bacterial count exceeds the limit recommended by the California Department of Public Health for water contact sports. This may be due to the entry of too much untreated sewage. But experience with the waters of New York harbor suggests another, more ominous, possibility which connects this problem, too, to the drainage of nutrients from agricultural areas, as well as from treated sewage. In New York harbor, in the period 1948-1968, there has been a 10-20-fold increase in the bacterial count despite a marked *improvement* in the sewage treatment facilities that drain into the bay. Here too there has been an increase in nitrate and phosphate nutrients, in this case largely from treated sewage effluent. The possibility exists that bacteria, entering the water from sewage or the soil, are now able to *grow* in the enriched waters of the bay. If this should prove to be the case, changes in water quality such as those which have occurred in the Bay-Delta area may lead to new, quite unexpected, health hazards. The soil contains many microorganisms which cause disease in human beings when they are first allowed to grow in a nutrient medium. There is a danger, then, that as the Bay-Delta waters become laden with organic matter released by dying algae (resulting from overgrowths stimulated by agricultural and municipal wastes), disease-producing microorganisms may find conditions suitable for growth, resulting in outbreaks of hitherto unknown types of water-borne disease.

Nor does the nitrogen story quite end here. We now know that a good deal of the excess nitrogen added to the soil by intensive fertilization practices may be released to the air in the form of ammonia or nitrogen oxides. In the air, these materials are gradually converted to nitrate and carried back to the ground by rain. In 1957, a national study of the nitrate content of rainfall showed excessively high levels in three heavily fertilized regions: the Corn Belt, Texas, and the Central Valley

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of California. There is increasing evidence that nitrate dissolved in rain can carry enough nutrient into even remote mountain lakes to cause algal overgrowths and so pollute waters still largely free of the effects of human wastes. Recent pollution problems in Lake Tahoe may originate in this way.

I cite these details in order to make clear a profound and inescapable fact of life: that the environment is a vast system of interlocking connections—among the soil, the water, the air, plants, animals, and ourselves—which forms an endless, dynamically interacting web. This network is the product of millions of years of evolution; each of its connections has been tested against the trial of time to achieve a balance which is stable and long-lasting. But the balance, the fine fabric of physical, chemical, and biological interconnections in the environment, is a delicate one; it hangs together only as a whole. Tear into it in one place—such as the soil of the Central Valley—and the fabric begins to unravel, spreading chaos from the soil to the rivers, to the Bay, to remote mountain lakes, to the mother and her infant child. The great Central Valley has become rich with the fruits of the land, but at a cost which has already been felt across the breadth of the state and which is yet to be fully paid.

Nor do we yet know how the destructive process can be halted, or if indeed it can be. In Lake Erie, where the natural balance of the water system has already been largely overwhelmed by excessive nutrients, no one has yet been able to devise a scheme to restore its original condition. The Bay-Delta waters may suffer the same fate. The recently released Kaiser Engineers' report on the San Francisco Bay-Delta Water Quality Control Program predicts that the drainage of agricultural nutrients (nitrogen and phosphorus) from the San Joaquin will continue unabated for at least the next 50 years if present agricultural practices persist. The report proposes a system which, to control only the deleterious effects of the drainage in the Bay-Delta area, will cost about $5 billion in that period. And even at that cost the plan will only transfer the problem to the ocean—where the waste nutrients are to be discharged—which can only bring disaster to this last remaining natural resource, on which so many of our future hopes must rest.

The root of the problem remains in the soil, for if the disrupted balance is not restored there, its destructive effects will only spread into further reaches of the environment. Tragically, each year of continued over-fertilization of the soil may make recovery increasingly difficult. For example, we know that inorganic nitrogen nutrients stop the nitrogen-fixing activity of microorganisms and may eventually kill them off or at least encourage them to mutate into non-fixing forms. If the natural fertility of the soil is ever to be restored, we may have to rely heavily on these microbial agents; but this becomes less and less possible as we continue to use massive amounts of fertilizer. In effect, like a drug addict, we may become "hooked" on continued heavy nitrogen fertilization and so become inescapably locked into a self-destructive course.

This same tragic tale of environmental disaster can be told of another prominent feature of California agriculture—insecticides. One important aspect of the biological capital on which agricultural productivity depends is the network of ecological relationships that relate insect pests to the plants on which they feed, and to the other insects that, in turn, prey on the pests. These natural relations serve to keep pest populations in check. Pests which re-

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quire a particular plant as food are kept in check by their inability to spread onto other plants; the other insects which parasitize and prey upon them exert important biological control over the pest population.

What has happened in attempts to control cotton pests—where the great bulk of synthetic insecticide is used in the United States—shows how we have destroyed these natural relations and have allowed the natural pest-regulating machinery to break down. The massive use of the new insecticides has controlled some of the pests that once attacked cotton. But now the cotton plants are being attacked instead by new insects that were never previously known as pests of cotton. Moreover, the new pests are becoming increasingly resistant to insecticide, through the natural biological process of selection, in the course of inheritance, of resistant types. In Texas cotton fields, for example, in 1963 it took 50 times as much DDT to control insect pests as it did in 1961. The tobacco budworm, which now attacks cotton, has been found to be nearly immune to methylparathion, the most powerful of the widely used modern insecticides.

California, too, has begun to experience environmental disaster from the intensive use of insecticides. Consider only a single recent example. In 1965 the rich cotton fields of the Imperial Valley were invaded by the Pink Bollworm from Arizona. The Department of Agriculture began an "eradication" program based on a fixed schedule of repeated, heavy, insecticide sprays. The Pink Bollworm was controlled (but by no means "eradicated"); however, the cotton plants were then attacked by other insects which had previously caused no appreciable damage—the beet army worm and the cotton leaf perforator. The insecticide had killed off insects that were natural enemies of the army worms and perforators, which had in the meantime become resistant to the sprays. Catastrophic losses resulted. The problem is now so serious that Imperial Valley farmers have proposed the elimination of cotton plantings for a year in order to kill off the new pests, which cannot survive a year without food.

California is beginning to experience the kind of insecticide-induced disaster already common in Latin American experience. In the Cañete Valley of Peru, for example, DDT was used for the first time in 1949 to control cotton pests. Yields increased—temporarily. For soon the number of insects attacking the cotton grew from 7 to 13 and several of them had become resistant to the insecticides. By 1965, the cotton yields had dropped to half their previous value, and despite 15-25 insecticide applications, pest control was impossible. Productivity was restored only when massive insecticide application was halted and biological control was reestablished by importing insects to attack the pests.

These instances are, again, a warning that present agricultural practices may be destroying the biological capital which is essential to agricultural productivity—in this case, the natural population of insects that attack insect pests and keep them under the control of a natural balance. Again, if the ecologically blind practice of massive insecticide treatment is allowed to continue, there is a danger of permanently losing the natural protective insects—and agriculture may become "hooked" on insecticides.

And here too we see disaster spreading through the environmental network. In 1969, the Food and Drug Administration seized two shipments of canned jack mackerel, an ocean fish originating from Terminal Island, Los Angeles, because of excessive residues of DDT and related insecticides. Insecticides draining off agricultural lands into the

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Bay-Delta area have caused levels of DDT which exceed the amount allowed by the FDA to appear in the bodies of striped bass and sturgeon. It is possible that the recent decline in San Francisco Bay crabs may be due to the same cause. Spreading through the food chain, DDT has begun to cause disastrous declines in the population of birds of prey, and there is some evidence that gulls are being affected as well. The latter would extend the web of disaster even further, for the gulls are vital in controlling waste in shoreline waters.

Now let me follow the track of environmental disaster from the farm to the cities of California. Again, nitrogen is a valuable guide, this time, surprisingly enough, to the smog problem. This problem originates with the production of nitrogen oxides by gasoline engines. Released to the air, these oxides, upon absorption of sunlight, react with waste hydrocarbon fuel to produce the noxious constituents of smog. This problem is the direct outcome of the technological *improvement* of gasoline engines: the development of the modern high-compression engine. Such engines operate at higher temperatures than older ones; at these elevated temperatures the oxygen and nitrogen of the air taken into the engine tend to combine rapidly, with the resultant production of nitrogen oxides. Once released into the air, nitrogen oxides are activated by sunlight. They then react with waste hydrocarbon fuel, forming eventually the notorious PAN—the toxic agent of the smog made famous by Los Angeles.

The present smog-control technique—reduction of waste fuel emission—by diminishing the interaction of nitrogen oxides with hydrocarbon wastes, enhances the level of airborne nitrogen oxides, which are themselves toxic substances. In the air, nitrogen oxides are readily converted to nitrates, which are then brought down by rain and snow to the land and surface waters. There they add to the growing burden of nitrogen fertilizer, which, as I have already indicated, is an important aspect of water pollution. What is surprising is the amount of nitrogen oxides that are generated by automotive traffic: more than one-third of the nitrogen contained in the fertilizer currently employed on U.S. farms. One calculation shows that farms in New Jersey receive about 25 pounds of nitrogen fertilizer per year (a significant amount in agricultural practice) from the trucks and cars that travel the New Jersey highways. Another recent study shows that in the heavily populated eastern section of the country, the nitrate content of local rainfall is proportional to the local rate of gasoline consumption.

Thus, the emergence of a new technology—the modern gasoline engine—is itself responsible for most of the smog problem and for an appreciable part of the pollution of surface waters with nitrate. And no one needs to be reminded that smog is a serious hazard to health. Again we see the endless web of environmental processes at work. Get the engines too hot—for the sake of generating the power needed to drive a huge car at destructive speeds—and you set off a chain of events that keeps kids off the playground, sends older people to a premature death, and, in passing, adds to the already excessive burden of water pollutants.

This is some of the tragic destruction that lies hidden in the great panorama of the changing California environment—costs to the people of the state that do not appear as entries in the balance sheets of industry and agriculture. These are some of the great debts which must be paid if the state's environment is to be saved from ultimate destruction. The debts are so embedded in every feature of the state's economy that it is

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almost impossible to calculate them. Their scale, at least, can be secured from the figure produced for the water quality-control system which will transfer the pollution problem of the Bay-Delta area to the ocean: $5 billion over 50 years, and continuing at $100 million a year.

At what cost can the smog that envelops Los Angeles be cleared up—as it surely must if the city is to survive? Start with the price of rolling back air pollution that risks the health and well-being of the citizens of the Bay area, the Peninsula, and San Diego. And do not neglect the damage already done by smog to the pine forests in the area of Lake Arrowhead. Nitrogen oxides have just been detected in Yosemite Park; what will it cost if the state's magnificent forests begin to die, unleashing enormous flood problems? How shall we reckon the cost of the huge redwoods on the North Coast, which need for their secure footing the soil built up around their roots during annual floods, when these floods are stopped by the new dams and the trees begin to topple? How shall we determine the cost of the urban spread which has covered the richest soil in the state? What will it cost to restore this soil to agriculture when the state is forced to limit intensive, pollution-generating fertilization, and new lands have to be used to sustain food production? What is the price of those massive walls of concrete, those freeways, which slice across the land, disrupting drainage patterns and upsetting the delicate balance of forces that keeps the land from sliding into ravines? Against the value of the new real-estate developments on landfills in San Francisco Bay, calculate the cost of the resulting changes in tidal movements, which have decreased the dilution of the polluting nutrients by fresh water from the sea and have worsened the algal overgrowths. Or balance against the value of the offshore oil the cost of a constant risk of beach and ocean pollution until the offending wells are pumped dry. Finally, figure, if possible, what it will cost to restore the natural fertility of the soil in central California, to keep the nitrogen in the soil, where it belongs, and to develop a new, more mixed form of agriculture that will make it possible to get rid of most insecticides and make better use of the natural biological controls.

If the magnitude of the state's environmental problems is staggering, perhaps there is some consolation in the fact that California is not alone. Most of Lake Erie has been lost to pollution. In Illinois, every major river has been overburdened with fertilizer drainage and has lost its powers of self-purification. Automobile smog hangs like a pall over even Denver and Phoenix. Every major city is experiencing worsening air pollution. The entire nation is in the grip of the environmental crisis.

What is to be done? What *can* be done? Although we are, I believe, on a path which can only lead to self-destruction, I am also convinced that we have not yet passed the point of no return. We have time—perhaps a generation—in which to save the environment from the final effects of the violence we have already done to it, and to save ourselves from our own suicidal folly. But this is a very short time to achieve the massive environmental repair that is needed. We will need to start, now, on a new path. And the first action is to recognize how badly we have gone wrong in the use of the environment and to mobilize every available resource for the huge task of saving it.

Yet all the marvelous knowledge in our universities and laboratories seems now to stand helpless, while the air becomes fouler every day, beaches covered with oil, and precious water and soil more heavily laden with pollutants.

But there is another crisis—one that

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has struck the nation's entire scientific community. This crisis, like the environmental one, is also man-made and disastrously short-sighted; it is the drastic curtailment of the funds for research and education.

What a tragedy! At the very moment that the nation has begun to sense the urgency of the environmental crisis, when the first steps in the large and urgent task must be taken in the laboratories and classrooms of our universities, the tools are denied the men who would use them.

The huge undertakings listed here cannot even be begun unless we drastically reorganize our priorities. We cannot continue to devote the talent of our engineers and the competence of our workers to the production of overpowered, pollution-generating cars that do violence on the road and in the ecosystem. We cannot burden our productive resources with a monstrous device like the SST—which, if used in the U.S., will bring the violence of airport noise to 60 million Americans. We cannot continue to waste manpower and resources on weapons that become obsolete before they are produced—and which, if ever used, will destroy this planet as a place for human life. In a crisis of survival, business as usual is suicide.

The environmental crisis has brought us to a great turning point in this nation's history. We have become a nation that wields the greatest power in the history of man: power in the form of food, industrial plants, vehicles, and the weapons of war. We have also become a nation beset by violence: on the battlefield, on the highways, in personal encounters, and, more fundamentally, in the destruction of the natural, harmonious fabric of the environmental system which supports us. It is this fundamental violence to the world in which we live which divides us, as we compete among ourselves for the earth's goods, unaware that each of us, in our own way is thereby contributing to the destruction of the whole that supports us all.

The time has come to forge a great alliance in this nation: All of us now know that if we are to survive, the environment must be maintained as a balanced, harmonious whole. We must all work together to preserve it. If we fail, we shall abandon the place where we must live—the thin skin of air, water, soil, and living things on the planet Earth—to destruction. The obligation which our technological society forces upon all of us, young and old, black and white, right and left, scientist and citizen alike, is to discover how humanity can survive the new power which science has given it. Every major advance in the technological competence of man has enforced new obligations on human society. The present age of technology is no exception to this rule of history. We already know the enormous benefits it can bestow, and we have begun to perceive its frightful threats. The crisis generated by this knowledge is upon us.

We are enormously fortunate that our young people—the first generation to carry strontium 90 in their bones and DDT in their fat—have become particularly sensitive to this ominous paradox of the modern world. For it is they who face the frightful task of seeking humane knowledge in a world which has, with cunning perversity, transformed the power that knowledge generates into an instrument of catastrophe.

The environmental crisis is a grim challenge. It also is a great opportunity. From it we may yet learn that the proper use of science is not to conquer nature, but to live in it. We may yet learn that to save ourselves we must save the world that is our habitat. We may yet discover how to devote the wisdom of science and the power of technology to the welfare, the survival of man.■

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Memo of the Month

DEPARTMENT OF THE AIR FORCE
AIR FORCE DATA SYSTEMS DESIGN CENTER
BOX 421, BOLLING AIR FORCE BASE, D.C. 20332

REPLY TO
ATTN OF: HCA (Major Kauppila/32400)

21 Apr 1969

SUBJECT: Optional Wear of Civilian Attire for Enlisted Personnel

1. There is a growing concern throughout the Center that the mandatory requirement for our enlisted personnel to wear the military uniform at The Forrestal [Defense Department office building in Southwest Washington] is undesirable. Besides having a deleterious effect on the morale of the personnel, there are other points which we should carefully consider:

a. Military personnel in uniform in Washington, DC are vulnerable targets for the criminal elements of our society. Common thieves, drunks, prostitutes, and other unsavory elements will presume that our personnel are on leave status and probably carrying ample personal monies. They, therefore, could become potential targets for crimes of violence, robbery, pandering, etc.

b. There is a growing concern throughout the nation at the present time about the military influence in all departments of the government. Many of our national leaders feel

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that the influence of the military establishment is getting out of hand. We would be aggravating this national concern when several thousands of people in military uniform start working out of The Forrestal. Because of its close proximity to the House and Senate Office Buildings, I feel that it may have a bad effect on the congressmen on The Hill to suddenly see us as trying to take over more and more of the Nation's Capital.

2. In spite of the fact that AFM 35-10 would not normally allow our enlisted personnel to wear civilian attire, I believe that The Forrestal situation merits special consideration. Recommend that the Department of Defense be contacted to determine whether or not these points have been considered, to see if a standard policy of optional wear can be adopted for all the occupants of The Forrestal. If this is not feasible, recommend we write a special letter to MPC pointing out these factors and requesting their approval for the Air Force enlisted people assigned to the DSDC.

/s/

JOHN W. FIPPEN, Lt Col, USAF
Headquarters Commandant

DEPARTMENT OF THE AIR FORCE

HEADQUARTERS UNITED STATES AIR FORCE
WASHINGTON, D.C.

27 MAY 1969

REPLY TO USAFMPC (AFPMSAU)
ATTN OF: RANDOLPH AFB TEXAS 78148

SUBJECT: Wear of Civilian Clothing (Your ltr, 21 Apr 1969)

TO: AFDSDC (HCA)

Your request for authority to permit officer personnel assigned to the Air Force Data Systems Design Center to wear civilian clothing in lieu of the military uniform while performing duty in the Forrestal Building is approved.

/s/
FREDERICK W. JOY, JR., Colonel, USAF
Executive
Deputy Chief of Staff, Personnel

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The Culture of Bureaucracy:

by Albert O. Hirschman

Exit, Voice,

If you don't like the way things are going wherever you are, the chances are that you have two options open to you. You can either use "exit" or "voice."

Exit means: leaving under your own steam, quitting, switching, resigning, deserting, escaping from. It is comparatively neat and impersonal. It implies the end of your loyalty to whatever you are leaving.

Voice means: an attempt to change things through articulation—whether by addressing your dissatisfaction to those in a position to make the changes, or by grousing to anyone who will listen. It is far messier than exit, since it can range from faint grumbling to violent protest. And while exit is an either-or proposition—you either exit or you don't—voice is essentially an art, constantly evolving in creative new directions. In contrast to exit, voice implies a continuing (if strained) loyalty to the entity that is causing stress.

In some situations, of course, voice and exit can be successfully joined. Take the hippies. Their dissatisfaction with the surrounding social order led them to combine their exit from it with a demonstrative "otherness." By making their cop-out so spectacular—that is, by mixing deviance with defiance—they have made their exit brim with voice.

In other situations, either voice or exit can become so unthinkable (or so attractive) that only one option is really open. Exit has often been unavailable to members of primordial human groups such as the tribe, the family, the church, and the state. Sometimes, again, exit is consciously rejected. Black Power, for example, refuses the traditional pattern of individual upward social mobility. Its open and exclusive re-

Albert O. Hirschman is Littauer Professor of Political Economy at Harvard. This article has been adapted by the editors from various chapters of his forthcoming book, Exit, Voice, and Loyalty: Responses to Decline in Firms, Organizations, and States. *It will be published in February by Harvard University Press.*

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and Loyalty

liance on the group process has had immense shock value because it spurns and castigates a supreme value of American society—success via exit from one's group.

The voice option, on the other hand, has played a very small role in competitive business enterprise. Here exit (on the part of the dissatisfied consumer) reigns supreme and is supposed to keep businessmen "on their toes." Occasionally an organization will make exit especially attractive in order to get rid of voice. In Latin America, for example, those holding power have long encouraged their political enemies and potential critics to remove themselves from the scene through voluntary exile. The right of asylum, so generously practiced by Latin American republics, could almost be considered a "conspiracy in restraint of voice." (A Colombian law once provided that former presidents would receive the same number of U.S. dollars in salary if they lived abroad as they would receive Colombian pesos if they remained in Colombia. With the U.S. dollar worth, at the time, between five and 10 pesos, the officially arranged incentive toward exit was tempting indeed.)

What is more powerful, exit or voice? Which one of these two options makes more of an impression on an organization? The answer is complex. Ordinarily it has been assumed that exit or the prospect of exit (of customers from a firm or of voters from a party) is all-powerful, but the evidence shows that voice, too, can influence decision-making in an organization. Look at the nomination of Barry Goldwater in 1964 by the Republican party. In that case, the most conservative elements of the party, who could not exit because they had nowhere else to go, were able to impose a candidate who was sure to lose the party many votes. Their voice was far more effective than the prospective exit of the middle-of-the-roaders.

The political power of those who have nowhere else to go in a two-party

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system (and who therefore use voice rather than exit) came to light in a different form with the Democratic defeat last year. The mobilization of the indifferent voters and the winning over of the undecided ones depended largely on the enthusiasm which each party could inspire among activist party workers and volunteers. Since activists are rarely middle-of-the-roaders, their enthusiasm can be dampened when a party moves to what the activists consider to be an excessively middle-of-the-road position. As the Democrats discovered in 1968, a platform designed to gain votes at the center can be counter-productive; it may damage rather than shore up the party's fortunes at the polls. The voice of those who have nowhere to go can impose negative returns on a move of the party to the center.

Clearly, the use of voice increases in situations where exit tends to be out of the question, and vice versa. In the intermediate cases—in which the choice between voice and exit is available—voice will often lose out because its effectiveness depends on creativity, or the discovery of new ways of exerting influence and pressure toward reform. However "easy" such a discovery may look in retrospect, creativity always comes as a surprise. Thus, there will be a strong bias in favor of exit unless loyalty helps to redress the balance by raising the cost of exit.

Loyalty is a key concept in the battle between exit and voice because it locks members into their organizations a little longer, thereby allowing more time for the use of voice. Members will exhaust all resources of influence at their command before resigning themselves to disloyalty-exit.

While loyalty may postpone exit, its very existence is predicated on the possibility of exit. Indeed, the availability of exit to even the most loyal member is often an important part of his bargaining power vis-à-vis the organization. The chances for voice to function effectively are appreciably strengthened if voice is backed up by the *threat of exit*, whether it is made openly or whether the possibility of exit is merely well understood by all concerned.

When a member has no feelings of loyalty, he probably has a low estimate of his influence on the organization. Therefore, his decision to exit will be easy and will probably be carried out in silence. But the *threat* of exit is something else again. It will typically be made by the loyalist—that is, by the member who cares, who leaves no stone unturned before he resigns himself to the painful decision to leave.

Suppose an organization heads in the "wrong" direction from the point of view of a group of members. Such members will begin—at some point—to use their influence to correct and reverse the process. These attempts will become stronger as disagreement widens. There soon comes a point in this process at which exit would take place if there were no feelings of loyalty.

But loyalty now acts as a brake on the decision to exit. The *loyal* member does not exit, but something happens to him: he begins to be acutely unhappy about staying on. He contracts qualms or, in the phrase used by German Communist party members dissatisfied with the party line, he has *Bauchschmerzen* (belly aches). At this point he usually will make stronger attempts to change things; he will intensify the use of voice for this purpose. Then, assuming that disagreement widens still further, he will consider exit and threaten it, if he thinks that such a threat can be expected to enhance the effectiveness of voice. Finally, loyalty may reach its breaking point and exit ensues.

But here a word about two other elements—"unconscious loyalty" and self-deception—is in order. Let us start with

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a situation that has been described by psychologists:

When the likeness of a cat is made to change gradually into that of a dog through a succession of images which are shown to a subject, and, if later the same series is shown in reverse order, the eye behaves as though it were "loyal" to whatever figure it started with. When the sequence is shown in the cat-dog direction, a majority of images will be labeled "cat" and vice versa. In much the same way, the general difficulties of recognizing change are a breeding ground for unconscious loyalist behavior when an organization begins to deteriorate. Since unconscious loyalist behavior keeps qualms from developing, it will also forestall the intensification of voice.

And since it also postpones exit, it will be prized by organizations whose management wants its members to refrain from both exit and voice. Such organizations, moreover, will be looking for devices to convert conscious loyalist behavior into unconscious loyalist behavior.

Yet there often is no clear dividing line between these two types of behavior, because the member of the organization may have a considerable stake in self-deception, i.e., in fighting the realization that the organization he belongs to is going downhill. He will try to repress this awareness as long as possible, particularly if he has reached his position in the organization the hard way. The more severe the cost of his initiation into the organization, the greater his self-deception will be.

Assuming that there is a limit to self-deception, however, it is likely that the severe-initiation members will eventually display more initiative than others in righting the situation—after having at first been more complacent and passive. It is also possible, of course, that by the time the member is no longer able to close his eyes to what is going on, deterioration will have reached the point where exit becomes the only sensible reaction to the sudden revelation of rottenness. Hence severe initiation may eventually activate both voice and exit.

A different kind of loyalist behavior occurs when an organization is able to exact a high cost for exit. Such costs can range downward from loss of life, as with the Mafia, to loss of lifelong associations formed through years of work in one place. Along the way are such intermediate penalties as excommunication, defamation, and deprivation of livelihood. Organizations able to exert these high penalties for exit are usually the traditional human groups already mentioned, such as the family, the tribe, the religious community, and the nation. Because such organizations exact a high price for exit, they also have a built-in defense against what is normally one of the member's most potent weapons: the *threat* of exit. If exit is going to be followed by severe sanctions, the very idea of exit will be repressed; hence the threat will not be uttered for fear that the sanction will apply to the threat as well as to the act itself.

What happens to *voice* in organizations where the price of exit is high? Some tentative suggestions can be advanced by distinguishing between those organizations where the price of entry is zero (because, as in the case of the family or nation, one enters them as a result of one's birth) and those where the price of entry and the price of exit are both high. Since the high price of exit does away with the threat of exit as an effective instrument of voice, these organizations (which include such modern inventions as gangs and totalitarian parties) will often be able to repress both voice and exit. In the process, they will largely deprive themselves of both of these mechanisms for reform.

When a member is trying to decide

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whether or not the time has come to leave an organization, he will sometimes be held back by a conviction that the organization would go from bad to worse if he left. This is especially true if he is a member of an organization involved in an important aspect of public policy.

For example: if I participate in the making of a foreign policy of which I have increasingly come to disapprove, I can resign my policy-making position. But if I leave, I cannot stop being unhappy as a citizen of a country which carries on what seems to me an increasingly disastrous foreign policy. In such a case, I am both producer and consumer when I am on the job. But when I quit, I remain a consumer of foreign policy, even though I no longer have a hand in producing it.

In considering exit under such circumstances, I must weigh, on the one hand, the disutility, discomfort, and shame of remaining a member. But on the other hand, I must also measure the degree of my influence as a member, as well as the extent to which additional deterioration of the organization would occur if I were to get out. The ultimate in unhappiness (and in paradoxical loyalist behavior) occurs when such a member expects the public evil produced by the organization to reach an intolerable level as deterioration proceeds. The decision to exit will then become more and more difficult the longer he fails to leave, for the conviction that he must stay on to prevent the worst will grow stronger all the time.

Loyalist behavior of this type—"the worse it gets the less I can afford to leave"—can serve an all-important purpose when an organization is capable of dispensing public evils of truly ultimate proportions, as is true today of the world's more powerful states. The more wrongheaded and dangerous the course of these states, the more we need a measure of "spinelessness" among the more enlightened policymakers, so that some of them will still be inside and influential whan a potentially disastrous crisis breaks out. It will later be argued that in such situations we are likely to suffer from too much spinelessness, rather than too little. But it is worth noting that the magnitude of public evils now available to the centers of world power has given a new social usefulness to protracted spinelessness (failure to exit)—so long as it turns into spine (voice) at the decisive moment.

Organizations dealing in vital matters of public policy thus have an environment peculiarly suited to loyalist behavior (i.e., postponement of exit in spite of dissatisfaction and qualms). It is almost as if "my country, right or wrong" transforms into the seemingly perverse variation, "my country, the wronger the myer." But if and when exit does occur, its nature can theoretically be expected to differ from the I-couldn't-care-less exit that usually occurs when one switches from one brand of toothpaste to another. The departing member will presumably be interested in making his exit contribute to improvement of the organization he is leaving—an improvement which he may think impossible without radical changes in the way the organization is run. To exit will now mean to resign under protest and, in general, to denounce and fight the organization from without instead of working for change from within. For the alternative is now not so much a choice between voice and exit as between voice-from-within and voice-from-without (after exit).

Unfortunately, it does not always work out that way in practice. Recent history shows that high officials who decide to resign because they disagree with public policies do not blast those policies when they resign. Instead they present the decision to leave as purely private—one leaves because "an irresistible offer" has come his way, or "in fairness to my family." Clearly,

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these officials confuse exit from a private good, such as toothpaste, with proper exit from "public goods" that are produced by public policies. Such confusion is deeply frustrating and demoralizing to the citizenry. Imagine the relief that *would* have been felt if at least one of the public officials who "dropped out" of the Johnson Administration in disagreement over Vietnam had thereupon publicly fought official war policies. Or consider the relief that was so widely felt when the McCarthy campaign made it possible for many Americans to do just that, instead of merely copping out.

While exit from Europe or from the settled portions of the national territory has played a most prominent role in United States history, exiting seems to have become a lost art. In certain important areas of American public life, the inability to resign in protest applies to men on opposite sides of the political spectrum who were known to disagree strongly with official policies; they range from a General MacArthur to an Adlai Stevenson. In 1966, Barbara Garson satirized Stevenson's predicament in *MacBird!*, when the "Egg of Head" weighed exit and voice and found exit wanting in attractiveness:

> In speaking out one loses influence.
> The chance for change by pleas
> and prayer is gone.
> The chance to modify the devil's
> deeds
> As critic from within is still my hope.
> To quit the club! Be outside
> looking in!
> This outsideness, this unfamiliar land,
> From which few travellers ever get
> back in...
> I fear to break; I'll work within
> for change.

Two agonizing war years later, the continued reluctance of high officials with "qualms" to break with the Johnson Administration was searchingly analyzed, together with other bureaucratic aspects of the conflict, in an April, 1968, *Atlantic* article called "How Could Vietnam Happen?" by a former insider, James C. Thomson, Jr. One of his principal points of explanation was what he calls the *domestication of dissenters,* which is achieved through "assigning" the role of "official dissenter" or devil's advocate to the doubters within the government. In the process, the doubter's conscience is assuaged, but at the same time his position is made explicit *and predictable;* this predictability means a fatal loss of power for him: his position becomes discountable. As Thomson put it:

> Once [Undersecretary of State George] Ball began to express doubts, he was warmly institutionalized: he was encouraged to become the in-house devil's advocate on Vietnam. The upshot was inevitable: the process of escalation allowed for periodic requests to Mr. Ball to speak his piece; Ball felt good, I assume (he had fought for righteousness); the others felt good (they had given a full hearing to the dovish option); and there was a minimal unpleasantness. The club remained intact; and it is of course possible that matters would have gotten worse faster if Mr. Ball had kept silent, or left before his final departure in the fall of 1966. There was also, of course, the case of the last institutionalized doubter, Bill Moyers. The President is said to have greeted his arrival at meetings with an affectionate,"Well, here comes Mr. Stop-the-Bombing...."

Thus the dissenter is allowed to recite his piece on condition that he engages in "role-playing" as "a member of the team." In this way, he is made to give up in advance one of his strongest weapons: the threat to resign under protest.

Obviously the bargain is a poor one for the dissenter. So the question arises: why would he stand for it? Partly, at

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least, because the final policy decision can always be made to look like a middle course between the opposing "hawk" and "dove" points of view; members of both groups can be made to feel that "if it had not been for me, an even more sinister decision would have been taken."

The "dove" in particular will argue that it is his duty to remain at his post, however much he may "suffer." Considering the enormous power for good and particularly for evil that he constantly sees displayed around him, even the tiniest influence seems to him worth exerting. But opportunism can in this situation be rationalized as public-serving rather than self-serving; it can even masquerade as secret martyrdom. Given so delicious a mixture of motives, a member can indulge in opportunistic behavior with an intensity, persistence, and abandon out of all proportion to its justification. The "dove" will vastly overestimate his influence as well as the damaging effect his exit would have upon the course of events. Hence, Lord Acton's famous dictum can be updated to: "Power corrupts; and even a very little influence in a country with huge power corrupts hugely."

This is one reason why the decision to exit in protest from the government of this most powerful country is particularly and deplorably infrequent.

Why "deplorably"? Because exit has an essential role to play in restoring quality performance in government, just as it does in any organization. It will operate either by making the government reform or by bringing it down, but, in any event, the jolt provoked by clamorous exit of a respected member can be an indispensable complement to voice. A case in point was Senator Eugene McCarthy's decision to run for President, which turned out to have a powerful influence on events. This was an exit from the club of top Democratic politicians, a breaking of the rules of the game as traditionally played within the governing party (the rule being that one does not oppose the President's bid for reelection). But there was no similarly clamorous exit from the President's "official family," even though several members of that family had serious misgivings, and some even left. Having been satirized by Barbara Garson and analyzed by James C. Thomson, Jr., this reluctance to exit loudly has been recognized more and more as a national problem and even scandal. James Reston wrote in a post-mortem on the Johnson Administration:

> One thing that is fairly clear from the record is that the art of resigning on principle from positions close to the top of the American government has almost disappeared. Nobody quits now, as Anthony Eden and Duff Cooper left Neville Chamberlain's Cabinet, with a clear and detailed explanation of why they couldn't be identified with the policy any longer....Most of those who stayed on at the critical period of escalation gave to the President the loyalty they owed to the country. Some...are now wondering in private life whether this was in the national interest.

Mr. Reston might have added that exit is powerful not only because of its direct effect on public opinion, and thereby on public policy; it also has a subtle, unsettling effect on those who stay behind. He who exits renders his arguments unanswerable. The remarkable influence wielded by martyrs throughout history can be understood in those terms, for the martyr's death is exit at its most irreversible, and argument at its most irrefutable.

In conclusion, no argument is made here for the use of exit rather than voice or of voice rather than exit. What is needed, however, is a wider exploration of the hidden potential of both options, of the obstacles in their way, and of institutions that might foster either voice or exit when one or the other is unduly neglected. ■

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The Culture of Bureaucracy:

Revolt at

When a lawyer is admitted to the bar, he takes an oath to support the Constitution of the United States. When a lawyer joins the Department of Justice, he takes another oath—the same one that is taken by the Attorney General and, in fact, by all federal employees.

That oath reads: "I solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, and without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

It was largely because of this oath—and the pressures we were under to violate it—that a majority of the attorneys from the Civil Rights Division of the Department of Justice gathered in a Washington apartment last August. We wanted to ascertain whether, under the Constitution, there was any legal argument which might conceivably support the Nixon Administration's request, in a Mississippi courtroom, for a delay in implementing desegregation in 33 of that state's school districts. The assembled lawyers concluded that there was not. Thus was born the reluctant movement which the press was to call "the revolt" in the Civil Rights Division.

Gary J. Greenberg is the former leader of the attorneys' "revolt" in the Civil Rights Division of the Department of Justice. Until forced to resign on October 1st, he had been a senior trial attorney in the Division's Appeals Unit.

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Justice

by Gary J. Greenberg

August 19, 1969, was an historic date in the field of civil rights. It was on that day that Robert H. Finch, the Secretary of Health, Education and Welfare, in letters to the United States District Judges for the Southern District of Mississippi and to the Chief Judge of the United States Fifth Circuit Court of Appeals, sought to withdraw school desegregation plans that his department had filed in the district court a week earlier. It marked the first time—since the Supreme Court's 1954 decision in *Brown v. Board of Education*—that the United States had broken faith with the black children of Mississippi and aligned itself with the forces of delay on the issue of school desegregation.

Less than a week later—on August 25th—Attorney General John N. Mitchell placed the Department of Justice imprimatur on Finch's actions when Jerris Leonard, the Assistant Attorney General in charge of the Civil Rights Division, joined local officials in a Mississippi district court to argue for a delay.

The same day, in Washington, some of my colleagues in the Civil Rights Division and I prepared and distributed a memorandum inviting the Division's attorneys to a meeting the next evening to discuss these and other recent events which had, in the words of the memo, cast ominous shadows over "the future course of law enforcement in civil rights." The meeting's purpose was "to determine whether we have a common position and what action, if any, would be appropriate to take."

The 40 who attended the meeting

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that next night first heard detailed factual accounts from those lawyers with first-hand knowledge of the government's actions in school desegregation cases in Mississippi, Louisiana, and South Carolina. We discussed the legal principles at length. We could find, as lawyers, no grounds for these actions that did not run cross-grain to the Constitution. We concluded that the request for delay in Mississippi was not only politically motivated but unsupportable under the law we were sworn to uphold. I then asked whether the attorneys in the Civil Rights Division should protest the actions of Messrs. Mitchell, Finch, and Leonard. Much to my astonishment, the answer was an unhesitating, unequivocal, and unanimous call for action.

But how? The group's immediate, though probably unattainable, goal was a reversal of the Justice Department's actions in Mississippi. Beyond that, however, we wanted to insure that future Mississippi-type decisions would not be made; we wanted guarantees that the Administration would, in the future, take the actions that were compelled by law, without reference to the political exigencies. We hoped that the protest could serve as a deterrent to future political accommodation. We agreed to write a dignified and reasonable statement of protest by which we could make our views known and demonstrate our unity and resolve. We chose a committee of six to draft the document.

Two evenings later, on August 28th, we held another meeting to review the draft submitted by the committee. The 50 attorneys in attendance discussed the draft, modified it somewhat, and then adopted it unanimously. (It was later signed by 65 of the 74 non-supervisory attorneys in the Civil Rights Division, some of whom had missed one or both of the meetings because they were out of town.)

The four-paragraph, 400-word document expressed, in painstaking language, the continuing concerns, motivations, and goals of the signatories. The last two paragraphs said:

> It is our fear that a policy which dictates that clear legal mandates are to be sacrificed to other considerations will seriously impair the ability of the Civil Rights Division, and ultimately the Judiciary, to attend to the faithful execution of the federal civil-rights statutes. Such an impairment, by eroding public faith in our constitutional institutions, is likely to damage the capacity of those institutions to accommodate conflicting interests and insure the full enjoyment of fundamental rights for all.
>
> We recognize that, as members of the Department of Justice, we have an obligation to follow the directives of our departmental superiors. However, we are compelled, in conscience, to urge that henceforth the enforcement policies of this Division be predicated solely upon relevant legal principles. We further request that this Department vigorously enforce those laws protecting human dignity and equal rights for all persons and by its actions promptly assure concerned citizens that the objectives of those laws will be pursued.

Why did the consciences of 65 federal employees compel them to protest a government law-enforcement decision? Why did 65 members of a profession which generally attracts the conservative and circumspect to its ranks—and reinforces these characteristics in three years of academic training—launch the first "revolt" within the federal bureaucracy?

Part of the answer lies in the fact that the new Administration was elected largely by voters who expected—and, from the rhetoric of the campaign, had every reason to expect—a slowdown in federal civil-rights enforcement efforts.

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Those political debts ran counter to the devotion and commitment of the attorneys in the Civil Rights Division. They had labored long and hard in civil-rights law enforcement, and had come to realize by experience that only unremitting pressure could bring about compliance with the civil-rights statutes and the Fourteenth Amendment. Yet this conflict of commitments did not of itself lead to the revolt. There was no inevitability in the situation.

Certain other irritants played a part in creating an attitude among the attorneys which made "revolt" possible. There was Mr. Leonard himself, a politician from Wisconsin with no background in civil rights, and, indeed, very little as a lawyer. He was insensitive to the problems of black citizens and other minority-group victims of discrimination. Almost from the beginning, he distrusted the attorneys he found in the Division. He demonstrated that distrust by isolating himself from the line attorneys. Still another element was the shock of his ineptitude as a lawyer. In marked contrast to the distinguished lawyers who preceded him in his job, Mr. Leonard lacks the intellectual equipment to deal with the legal problems that come across his desk.

His handling of the Mississippi case enlarged this mood of irritation and frustration. Secretary Finch's letter—drafted in part, and approved in full, by Mr. Leonard—said that the HEW plans were certain to produce "a catastrophic educational setback" for the school children involved. Yet the Office of Education personnel who prepared the plans, and Dr. Gregory Anrig, who supervised their work, and the Civil Rights Division attorneys who were preparing to defend them in court, had found no major flaws. Indeed, Dr. Anrig, in transmitting the plans to the district court on August 11th, wrote that in his judgment "each of the enclosed plans is educationally and administratively sound, both in terms of substance and in terms of timing." It was not until the afternoon of August 20th, only hours before the attorneys were to defend the plans in court, that Mr. Leonard called them in Mississippi to inform them of the Administration's decision. Finally, in justifying the government's actions to his own supervisory attorneys—and in arranging that they, and not he, would inform the line attorneys of the reasons for the requested delay—Mr. Leonard could be no more candid than to say that the chief educator in the country had made an educational decision and that the Department of Justice had to back him up.

But, again, these superficial signs of malaise were not what led to the lawyers' widespread revolt. Discontent only created the atmosphere for it.

The revolt occurred for one paramount reason: the 65 attorneys had obligations to their profession and to the public interest. As lawyers, we are bound by the Canons of Professional Ethics and by our oaths upon admission to the bar; as officers of the United States, we were bound by our oaths of office.

Membership in the bar entails much more than a license to practice law. One becomes an officer of the courts, duty-bound to support the judiciary and to aid in every way in the administration of justice. The scope of this duty was nicely summarized by United States District Judge George M. Bourquin in the case of *In re Kelly* in 1917, when he wrote:

> Counsel must remember that they, too, are officers of the courts, administrators of justice, oath-bound servants of society; that their first duty is not to their clients, as many suppose, but is to the administration of justice; that to this their clients' success is wholly subordinate; that their conduct ought

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> to and must be scrupulously observant of law and ethics; and to the extent that they fail therein, they injure themselves, wrong their brothers at the bar, bring reproach upon an honorable profession, betray the courts, and defeat justice.

The Canons of Ethics command that an attorney "obey his own conscience" (Canon 15) and strive to improve the administration of justice (Canon 29). The Canons go on to echo Judge Bourquin's words:

> No...cause, civil or political, however important, is entitled to receive, nor should any lawyer render, any service or advice involving disloyalty to the law whose ministers we are, or disrespect of the judicial office, which we are bound to uphold....When rendering any such improper service...the lawyer invites and merits stern and just condemnation....Above all a lawyer will find his highest honor in a deserved reputation for fidelity to...public duty, as an honest man and as a patriotic and loyal citizen. (Canon 32)

Bearing these obligations in mind, examine for a moment the situation which confronted the attorneys as a result of the decision to seek delay in Mississippi.

In May, 1954, the Supreme Court declared that "in the field of public education the doctrine of 'separate but equal' has no place. Separate educational facilities are inherently unequal." One year later, the Court decreed that school officials would be required to make a "prompt and reasonable start" toward achieving the constitutional goal with "all deliberate speed." Tragically, a decade went by and little was accomplished; that was the era of "massive resistance." In 1964, the Supreme Court ruled that "the time for mere 'deliberate speed' has run out." In 1968, the Court held that school officials were under a constitutional obligation to come forward with desegregation plans that worked, and to do so "now." The Fifth Circuit Court of Appeals interpreted that edict, in the summer of 1968, to mean that the dual school system, with its racially identifiable schools, had to be eliminated in all of the states within its jurisdiction by September, 1969. (Mississippi is one of those states.)

Secretary Finch's letter, besides suggesting the possibility of a catastrophic educational setback if desegregation were effected at once, spoke of the certainty of chaos and confusion in the school districts if delay were not allowed. That allegation was based upon the uncontestable existence of hostility to desegregation within the local communities. While there was, and continues to be, a danger that chaos and confusion will accompany the desegregation of public schools in Mississippi, the Supreme Court had ruled again and again that neither opposition to constitutional rights nor the likelihood of a confrontation with those opposed to the constitutional imperative may legally stand as a bar to the immediate vindication of those rights.*

Thus, while pledged by our oaths to support and defend the Constitution and bound by duty to follow our conscience and adhere to the law, we faced a situation in which the Administration had proposed to act in violation of the law. We knew that we could not remain silent, for silence, particularly in this Administration, is interpreted as support or acquiescence. Only through some form of protest could we live up to our obligations as lawyers and as officers of the United States. The form that this protest should take emerged so clearly that it

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*On October 29th, of course, the Supreme Court unanimously rejected the Administration's efforts at delay by enunciating the rule that the Constitution requires desegregation "at once." That ruling is not a part of this narrative except as it demonstrated anew that the position we had taken on the law was unassailable.

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then became a matter of inevitability, rather than a "choice" made from among several alternatives.

For the duty to serve the law, to promote the administration of justice, to support and defend the Constitution is more than a negative command; it is more than a "thou shalt not." It is an affirmative duty to act in a manner which would best serve and promote those interests. Thus, at the first group meeting, we immediately and unanimously rejected the notion of mass resignation because it would have served no positive purpose. It would only have removed us from association with the supporters of delay; it would not have fulfilled our obligation to act affirmatively to insure that constitutional rights would be protected and that the civil-rights laws would be vigorously enforced.

Many of the attorneys thought that our obligation could not be met by merely drafting, signing, and delivering a protest statement. If delay for the purpose of mollifying a hostile community did not comport with the Constitution—thus impelling us to raise our voices in protest—then we were likewise duty-bound not to support the Mitchell-Finch-Leonard position through any of our official actions. The bureaucratic concept of "loyalty" notwithstanding, some of us concluded that we could not, for example, defend the government's position in court.

The question arises as to whether the action taken by the group met the burden imposed upon us by our obligations to the law and the public interest. Did our fidelity to these obligations demand more than the soft and lofty importunings of the protest statement? Should all of the attorneys have explicitly refused to defend in court the action taken in the Mississippi case? Should the attorneys have embarked on a more direct course of action to block the government's efforts to win a year's delay for school desegregation in Mississippi?

To begin with, we were hard pressed to come up with some appropriate alternative to the protest statement as a vehicle to make the views of 65 people known. But beyond that, it was vitally important to preserve the appearance of dignity and professionalism if our protest were not to be dismissed as the puerile rantings of a group of unresurrected idealists who, except for their attire, bore a close resemblance to the Weathermen and the Crazies. To generate the public support we thought vital to the success of the protest, we had to act in a responsible and statesmanlike manner. Furthermore, it seemed to us that the presentation of any statement signed by nearly all of the attorneys in the Division would be a remarkable feat and that that demonstration of commitment was more important than the words actually used. In our view, the soft language implied everything that a blunter statement might have said. It also had the virtue of not putting the Administration up against a wall, thus forcing them to respond with a hard-line position of their own.

Though duty and conscience compelled a protest, reason dictated the nature of the protest. We did not merely seek an opportunity for catharsis; we sought to devise a course of action which had a chance to reap a harvest of practical results. That being the overriding consideration, the attorneys chose the course of a mildly-worded group statement. Other overt manifestations of disagreement were left open for individuals to pursue as they saw fit.

The group action we took—that is, the drafting and signing of the statement—was a "protest," if by that we mean a dissent from the actions of one's administrative superiors. The language of the statement did not move into the area of "revolt," if by that we mean an explicit refusal to obey the orders of one's superiors—although the state-

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ment was intended to imply that "revolt" was in the air.

Compelled by what they felt to be their obligations to the law, individual attorneys took a number of actions on their own, most of them in that murky area where there is a confluence between "protest" and "revolt."

Even before the first group meeting, the Division lawyers in Mississippi expressed their disinclination to present the government's case for delay in the district court. As a consequence, Mr. Leonard made his first appearance in a federal district court as Assistant Attorney General and argued the motion for delay himself. In mid-September, two Divison attorneys (the author being one) appeared in federal courts in other school desegregation cases. When pressed by those courts to reconcile the government's "desegregate-now" position in those cases with Mr. Leonard's position in Mississippi, both attorneys said they could not defend the government's action in Mississippi.* Some of the Division's attorneys went a step further: they passed information along to lawyers for the NAACP Legal Defense Fund in order to aid their Mississippi court battle against the delay requested by the Administration. Others spoke with the press to insure that the public was fully aware of the role that political pressures had played in the decision to seek delay.

These actions, while neither authorized nor approved by the group as a whole, were individual responses to the same crisis of conscience that led to the protest statement itself. One may have reservations as to the propriety of some or all of these acts of defiance. (Indeed, I have doubts as to whether it was proper for a Division attorney to furnish information to the NAACP after the government's action transformed it into an opposing party.) But it is important to recognize that the demands of conscience compelled more than just the signing of a piece of paper, and, in this sense, the protest was, realistically, a "revolt."

When the storm clouds first began to gather within the Civil Rights Division, the hierarchy of the Department of Justice, including the Attorney General and Mr. Leonard, reacted with a professed sense of surprise, and even shock. Despite this, however, the Administration's actions were, at the outset, nothing short of accommodating.

The supervisory attorneys in the Division took the position that we had a perfect right, under the First Amendment, to meet and discuss matters of mutual concern. Prior to our second meeting, Leonard Garment, President Nixon's special consultant for youth and minority problems, let it be known through an intermediary that the Administration was likely to respond favorably to a reasonable and responsible protest. Indeed, Mr. Garment and the Deputy Attorney General, Richard G.

*In my situation, I was in St. Louis before the Eighth Circuit Court of Appeals, sitting *en banc* (i.e., the full seven judges of the court were present), arguing that a delay granted by the district court to an Arkansas school district for the desegregation of its high schools should be reversed. One of the judges asked whether I could assure the court that the Attorney General would not "come along and pull the rug out from under" them if they ordered instant integration. I was pressed to reconcile my request for immediate integration in Arkansas with the position taken in the Mississippi case. After the court listened to my attempts to distinguish between the two cases, one judge said it appeared to the court that the practical effect of the government's posture was that Mississippi was being given special treatment. At this point, a number of judges called upon me to state my personal views on the contradictory positions taken by the government. I responded by saying I assumed that the court knew from the press accounts of the "revolt" what the feelings were in the Division. I indicated that, as a signatory of the protest statement, I could not be expected to defend the government's action in Mississippi.

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Kleindienst, facilitated the protest by allowing us to hold our second meeting behind closed doors in the Department of Justice.

But later, when the Administration came to a fuller appreciation of the depth and unanimity of the protest, this attitude began to change.

On September 18th, Mr. Leonard responded to the attorneys' statement for the Administration. We were informed that the reply was a final articulation of policy and that if we did not like what we read we should resign. The reply was curiously unresponsive. Whereas the attorneys' statement was carefully limited to questions concerning the intrusion of political influences into areas of law enforcement where only considerations of law belong, Mr. Leonard's reply outlined how the Administration would go about desegregating public schools. To this extent the reply completely missed, or avoided, the point of the protest. We had never challenged the discretionary authority of the Attorney General and the President to determine by what method the constitutional objective would be achieved. In matters where discretion was vested in the Attorney General to choose between policy alternatives, the attorneys did not challenge his right to make the choice. But in the matter of enforcing constitutionally required school desegregation in Mississippi, the Attorney General had no discretion. He was bound to uphold the dictates of the law, an obligation that could not be squared with the decision to seek delay.

Aside from its non-responsiveness to the questions we had raised, Mr. Leonard's reply was disturbing on two other counts. First, it conceded, with delayed candor, that political pressures had played a role in the Mississippi decision. Second, it announced a new touchstone for civil-rights law-enforcement policies: future actions would be taken not on the basis of the law but, rather, on the basis of "soundness." Thus, when ABM and other defense appropriations are thrown into the balance, a decision to seek delay of school desegregation in Mississippi in return for the continued support of Senator John Stennis (D-Miss.) in defense matters can presumably be certified as a "sound" decision, notwithstanding its inconsistency with clear legal mandates.

The attorneys decided that we would neither accept the response nor resign. But the situation demanded further action, and we chose to reiterate our commitment to the law. On September 25th, we delivered to the Attorney General and Mr. Leonard a new statement. It expressed our view that Mr. Leonard's reply "indicates an intention to continue with the policy of civil-rights law enforcement toward which our August 29th statement was directed, a policy which, in our view, is inconsistent with clearly defined legal mandates."

The Attorney General's patience was wearing thin. The next day he told the press that "policy is going to be made by the Justice Department, not by a group of lawyers in the Civil Rights Division." At a news conference three days later, Mr. Leonard said that he thought the position taken by the attorneys was wrong. He warned that the revolt would have to end as of that date.

On October 1st, Mr. Leonard called me to his office. He told me that he considered it to be the obligation of all of his attorneys to defend the government's Mississippi action in court. He asked whether I would be able to do so in the future. I said that I could not and would not. Our obligation was to represent the Attorney General, he said, and John Mitchell had decided that delay was the appropriate course to follow in Mississippi. I countered by explaining that my position dictated that I represent the public interest in court, and my re-

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sponsibility was to enforce the law. Mr. Leonard then made his attitude on the meaning of law enforcement very clear. "Around here the Attorney General is the law," he said. The difference of opinion was irreconcilable, and I was told to resign or be fired. I said I would forthwith submit a letter of resignation, and did—effective immediately. Mr. Leonard concluded the meeting by heaping effusive praise upon my abilities as a lawyer and offering to write a glowing letter of recommendation if I requested one. I did not.

Later that day, Mr. Leonard issued a memorandum which banned any "further unauthorized statement...regarding our work and our policies." He directed the attorneys to keep all "discussions of our work and policies within this Department."

Thus, the Administration's official attitude boils down to an absolute ban on any further protest activity. The public is to be kept in the dark. Law-enforcement decisions are to be made by John Mitchell, and the test for those decisions is soundness, including the relevant political considerations. The attorney's job is to articulate and defend the Attorney General's decisions in court, and that obligation applies without reference to one's individual oath of office and the dictates of conscience.

As attorneys, I and my former colleagues who remain in the Civil Rights Division cannot accept this point of view. The Justice Department lawyer's primary obligation must be to the Constitution. That should hold true whether the attorney is John Mitchell, Jerris Leonard, or Gary Greenberg. In his role as an officer of the United States, the Justice Department lawyer represents the public interest. While Jerris Leonard equates that obligation with obedience to the President and the Attorney General, I and my former colleagues could not. The Justice Department lawyer is not hired to represent John Mitchell in court. He is hired to represent the United States.

The ban on future protest by attorneys is unreal. Indeed, it would be self-deception for John Mitchell or Jerris Leonard to assume that the "massive resistance" in the Civil Rights Divison is over. The revolt may have been driven underground, but the attorneys remain within the system. They retain their voice and their ability to influence policy from within. They continue to adhere to their view of the law, and they see their obligation to the public, and under their oath of office, as paramount. The attorneys remain a potent and organized deterrent ready to act should there be another Mississippi.

Whether or not the revolt achieved its long-range objectives one cannot yet judge. There are indications that in the area of civil rights, as in other matters, the Attorney General is either unaware or contemptuous of the forces which conflict with the politics of the Southern Strategy. The attorneys in the Civil Rights Division continue to take a hard line in individual cases. They assume this posture every day in the pleadings and briefs they present to the Attorney General and Mr. Leonard for approval. So long as the Administration is kept in the position of having to say no—an attitude adopted so far in only those few cases in which the political pressures were intense—it is not likely that they can effect the wholesale retreat on enforcement of the civil rights laws which the Administration seems ready to permit in return for political support. But while it is vital that the revolutionaries remain within the Division, and while their presence within the system may deter future Mississippi-type decisions, there is some question whether their determination will sustain them for the next three and a half years. If not, the prospects for even the grudging enforcement of civil-rights laws are bleak indeed.

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The Culture of Bureaucracy: Rebuke at HEW

by Morton Mintz

Twice in 10 days, Robert H. Finch, Secretary of Health, Education and Welfare, publicly criticized Dr. Jacqueline Verrett, a Food and Drug Administration research scientist who discovered that artificial sweeteners called cyclamates cause severe deformities in chicken embryos. The first criticism came on October 8 in an interview with Gilbert C. Thelen Jr. of the Associated Press. The second came on October 18 at a press conference at which Finch announced a surprise order halting production of cyclamate-sweetened foods for general consumption.

On the latter occasion, Finch, in response to questions, explained his "unhappiness" about Dr. Verrett. She had, he said, chosen "to go directly to the media without having consulted" with her superior or with the Secretary's office. Thus she had not acted "in a very ethical way," he said.

A condemnation such as this would have been almost inconceivable in the reign of the last Republican Secretary of HEW before Finch, John W. Gardner. Shortly before President Johnson asked him to take over at HEW, Gardner, while president of the Carnegie Corporation, wrote a piece for the October, 1965, *Harper's* entitled "How To Prevent Organizational Dry Rot." Organizations of all kinds—"U.S. Steel, Yale University, the U.S. Navy, a government agency, or your local bank"—need not stagnate, Gardner said. If they do, it is "because the arts of organizational renewal are not yet widely understood." Saying that some of the rules for such renewal are known, he listed nine. Although some of these are irrelevant to Finch's handling of the Verrett case, Finch followed none and violated others. In chastizing Dr. Verrett, for example, he was hardly implementing "an effective program for the recruitment and development of able and highly motivated individuals." He was not providing "a hospitable en-

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vironment for the individual," and he was not making a detectable contribution to "morale." Finally, as will be seen, the chick-embryo case exposed the lack of the "adequate system of internal communication" that Gardner also had listed as a requirement.

It should be emphasized that, once in office at HEW, Gardner applied his rules to the FDA. At the time he inherited it, the agency was all but universally recognized to be a disaster—a captive of the industries it was supposed to be regulating, and a poorly managed backwater with a police-inspector mentality at the top that repelled good scientists. To change all of this, Gardner brought in a reform commissioner, the bright, vigorous Dr. James L. Goddard. In January, 1968, after Dr. Goddard had been in office for two years, I asked Gardner about the nature of his relationship with the then highly controversial commissioner. With the FDA today falling back swiftly into its old ways, what Gardner told me is especially instructive now:

"I have backed Dr. Goddard very strongly and have never faltered in that, even when I thought he had done something not fully wise. I have looked at a lot of regulatory operations, including the Federal Communications Commission and the Federal Aviation Agency. I know what I want in a man to head such an operation. I want a man with driving determination to get the job done. In any regulatory activity, the forces tending to produce inaction are overwhelming. Interested parties can produce a thousand reasons why you should do nothing. You need a man who has a real bite to him, and a zest for action. You pray that he has impeccable judgment, but very few of us have that. I'd rather have a man I have to slow down than a man I have to wake up." In the case of Jacqueline Verrett, there was, apparently, no one either to slow down or wake up Robert Finch.

In the FDA's Bureau of Science, Dr. Verrett undertook studies in which she injected cyclamates and a derivative created by body metabolism into about 13,000 chick embryos. She established a cause-effect relation with severe deformities of the legs, wings, and backs at a rate of about 15 per cent for cyclamates and nearly 100 per cent for the derivative. By December, 1968, her data, even if not as extensive as they would become over the next several months, were substantial. At that time she already had reached a "very firm" conclusion that there was a cause-effect relation, and she reported this in a memo to Dr. Herbert L. Ley Jr., Commissioner of the FDA. He would say later that, because of serious communications and related internal difficulties in the agency, he did not see the memo.

Meanwhile, Dr. Jack Shubert, of the University of Pittsburgh Graduate School of Public Health, came to the FDA to participate in a seminar. While there, he learned of Dr. Verrett's work and informally discussed it with her. In May, Dr. Shubert, a professor of radiation chemistry, wrote about her work in a dental society bulletin. Then, on September 4, he talked about it on a television show carried by KDKA in Pittsburgh.

In late September, Jean Carper, who with Senator Warren G. Magnuson (D-Wash.), chairman of the Senate Commerce Committee, writes a syndicated newspaper column for consumers, interviewed Dr. Verrett about the chick-embryo studies. On September 30, before most client newspapers printed the column, an NBC television crew came to the Bureau of Science to interview Dr. Verrett. She had notified her boss, Dr. Keith Lewis, and two FDA press officers. In addition, Deputy Commissioner Winton B. Rankin also was notified. It is true that the officials had relatively brief notice of the interview. But it is also true that the FDA officially knew about the Pittsburgh disclosures

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and had not concerned itself with them, and it is also true that no one objected to the NBC interview. Thus Dr. Verrett had agency clearance to tell her story.

NBC carried the interview the next day, October 1. Dr. Verrett displayed malformed chicks and discussed the nature and results of her research. She did not extrapolate the results to humans—no one knows if they are, or are not, relevant. In response to a question, she advised women who might be pregnant to consult a physician before ingesting cyclamates, or, for that matter, any chemical that could be avoided. Scientifically, this advice is not controversial, at least since the revelation in 1962 that a sedative called thalidomide caused babies to be born without limbs. Through the years the warning about unnecessary use of drugs or chemicals has been given by the Public Health Service, the American Medical Association, and the National Foundation, among others. Indeed, on the KDKA program in September, Dr. Claire Dick of Abbott Laboratories, the leading producer of cyclamates, was asked if she would use the sweeteners during pregnancy. "I don't think I would," she said. And, she added, most doctors would concur. Certainly, however, it can be seen that the appearance of Dr. Verrett and the hideous chicks on nation-wide television would not be appreciatively received by soft-drink bottlers and food suppliers whose production of cyclamate-sweetened products yielded sales exceeding $1 billion (at retail) in 1968.

The Secretary and, for that matter, the Commissioner of the FDA, would say later that the first they knew about the chick studies was when they watched NBC news on October 1. Two days later, Donald M. Kendall, president of PepsiCo, Inc., the parent company of Pepsi-Cola, a leading buyer of cyclamates for diet soft drinks, appeared in the office of Secretary Finch. Kendall, who is a close friend of President Nixon and whose company was a client of Mr. Nixon's former law firm, told me that the purpose of the meeting was to discuss the December White House Conference on Food, Nutrition and Health. Independently, Finch agreed, saying that he and Kendall, who is chairman of the Conference Panel on Food Safety and the Appropriateness of Food Additives, discussed whether it would be "proper or inappropriate" for the food industry to pay part of the cost of the conference. However, Finch and Kendall had different recollections of whether the discussion reached the FDA and its handling of cyclamates. Kendall denied that the topic came up; Finch said that he himself had brought it up.

The matter lay dormant for a few days. Then came the surprise discovery, by a laboratory retained by the Abbott firm, that cyclamates caused bladder cancer in rats. After the National Cancer Institute confirmed the finding, the data were referred to a special committee of the National Academy of Sciences—National Research Council. By coincidence, the committee was at that time meeting in Washington in response to a request from FDA Commissioner Ley to review: Dr. Verrett's findings, which had been all but ignored in the top echelon of the agency until her television appearance; studies by a fellow agency scientist, Dr. Marvin S. Legator, who had found chromosome breakage in rat tissues treated in the test tube with the cyclamate derivative; and related evidence. It was, however, on the basis of the discovery of bladder cancer that the committee unanimously recommended to Finch that he halt sales of cyclamate-sweetened products.

At the October 18 press conference at which the Secretary announced the order, Dr. Jesse L. Steinfeld, Deputy Assistant Secretary of HEW for Health and Scientific Affairs, joined Finch in condemning Dr. Verrett. It was, he said,

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"unfortunate" that findings such as hers should be aired "in general news media along with interpretations which at this moment certainly are far from justified."

It would not seem unfair to say that both officials, possibly because they were either inadequately informed or misinformed, were wrong on the facts. Dr. Verrett *did not*, as Finch asserted, violate a proper chain of command by going "directly to the media." Dr. Steinfeld was in error if he was imputing "unjustified interpretations" to her.

Dr. Steinfeld was careful to say that it is "absolutely essential" that tentative experimental data should be published "in the scientific literature" so that they can be communicated to "other scientists working in the field who do have the ability to interpret them and relate them to other ongoing research...." To be sure, this is a laudable declaration, but it fails to deal adequately with two major points.

First, the thrust of the Finch-Steinfeld position on publication is, even if unintentionally, surely pro-business, but not surely pro-public. It must be remembered that a great many food additives, drugs, and pesticides have come into massive use, with vast enterprises being built upon them, not after they have been proven safe, but merely because they have not been proven unsafe. What Finch and Dr. Steinfeld seem to have implied is that in the face of troubling evidence such as was developed by Dr. Verrett and Dr. Legator, millions or tens of millions of people should go on in ignorance taking avoidable risks with their physical health, rather than affected businesses being asked to take risks with their economic health. This concept is especially difficult to accept because testing of the kind that can with certainty establish, for example, that a given substance causes cancer *in humans* can take a decade or longer. By the time the results are known, it could be too late for millions of possible victims to do anything about it. This is precisely the situation with the oral contraceptives, which are being used by an estimated 8.5 million American women even though the FDA acknowledges that it does not know whether the pills do or do not cause cancer.

The second point will be clearer if we make, for the sake of argument, the incorrect assumption that the attacks on Dr. Verrett were factually based, i.e., that she *had* gone "directly to the media without having consulted" with her superior or with the Secretary's office. Bearing in mind that she had fulfilled her obligation to keep her supervisor informed of her findings, was it the right of Robert Finch to decide if and when information developed by a public employee in his jurisdiction should be made available to the public? Was it the duty of Dr. Verrett to withhold findings of possible great significance to the public health if Finch were to withhold permission to disclose? Why shouldn't the public know about the effects of cyclamates and the derivative on chick embryos? Of course, such questions go far beyond the FDA and HEW. One need but consider the case of A. E. Fitzgerald, who discovered the immense over-runs in the cost of the C-5A military cargo planes. Why shouldn't the public know about these?

In the Verrett case, a Cabinet officer, slashing away at a relatively low-level subordinate, displayed no awareness of such concerns. I believe that Finch's twin attacks on Dr. Verrett must have had an intimidating effect—not merely on scientists in the FDA and even elsewhere in HEW, but on all government employees who have data that the public should have but that could have an adverse effect on major economic interests. It will not be soon forgotten that Dr. Verrett was, as Senator Magnuson put it, made into "a whipping post." ■

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The Only Alternative:

Cleve Corlett

Frank Church is a Democratic Senator from Idaho and a member of the Senate Foreign Relations Committee.

On November 3, 1969, President Nixon appealed to the country for more patience with his Vietnam policy—for more time. To his credit, he stressed that "we are finally bringing American men home," but, like his predecessor, he could not find the resolution to cut the knot that binds us to the Saigon generals. The United States thus remains committed to a war that we have been able neither to end nor to win. Ironically, the reasons for the deadlock are much the same as those which governed the final outcome of our own struggle for national independence nearly two centuries ago.

In the second year of the American Revolution, the great William Pitt rose in the House of Lords and spoke words which, in a less civilized nation, might

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A REPLY TO THE PRESIDENT ON VIETNAM

by Senator Frank Church

have been taken for treason. "My Lords," he declared, "you cannot conquer America....You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prime that sells and sends his subjects to the shambles...your efforts are forever vain and impotent, doubly so from this mercenary aid on which you rely, for it irritates, to an incurable resentment, the minds of your enemies....If I were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never!"

The England which Pitt counseled was not a decrepit nation but a rising empire still approaching the peak of its power. The inglorious end of the American war, from the British point of view, was not followed by a worldwide loss of confidence in Britain's word or Britain's power. Yorktown was followed by Waterloo and in the 19th century Great Britain acquired vast new domains, becoming the vital center of world commerce and industry. The real loser of the American Revolutionary War was America's ally, France, whose prodigal waste of resources—all for the sake of humbling England—almost certainly helped bring about the French Revolution of 1789. To compound the irony, when the British Empire finally did disintegrate, it was not in the wake of defeat but of British "victories" in the two world wars.

The paradox turns back upon us full circle. The victory denied George III by

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ragtag American rebels fighting to end foreign rule has now, nearly two centuries later, been denied to us in distant Vietnam by stubborn, native guerrilla fighters equally determined to drive the foreigner from their land.

Faced with their implacable resolve, what kind of "victory" can be won? The "victory" of holding a proud people hostage? The "victory" of inflicting a "favorable kill ratio" upon an enemy who will not quit? The "victory" of maintaining a puppet government in Saigon propped up by the money we lavish on it and sustained in the field by the troops we send—and others we hire—to fight for it? No, there is no "victory" we can win in Vietnam worthy of the name. President Nixon himself conceded as much. Six months ago, he said, "We have ruled out attempting to impose a purely military solution on the battlefield."

When, on November 3rd, he again addressed the nation on the subject of Vietnam, he sought not to reach for the laurels of an unobtainable victory, but to reject the sackcloth of an abject defeat.

"The precipitate withdrawal of all American forces from Vietnam," he warned, "would be a disaster not only for South Vietnam but for the United States and the cause of peace....Our defeat and humiliation in South Vietnam...would spark violence wherever our commitments help maintain the peace—in the Middle East, in Berlin, eventually even in the Western Hemisphere. For the future of peace," the President repeated, "precipitate withdrawal would be a disaster of immense magnitude."

It is unnecessary to dispute these dire prophecies, as no responsible critic of the war calls for our "precipitate withdrawal" from Vietnam. Webster defines "precipitate" as "acting very hastily or rashly; impetuous; very sudden, unexpected or abrupt." I am unaware that any member of Congress, in either party, has urged the President to preside over an American rout in Vietnam. Nor is there any real pressure elsewhere in the country—even on the campuses—for a Dunkirk-type evacuation. Mr. Nixon simply conjured up a dragon in order to slay the monster before the approving eyes of his vast television audience. Then, just to be sure no one had missed the scene, he recited how he has spurned the advice of those who pleaded with him to adopt "a popular and easy course," only to imply, a few minutes later, that the course he had adopted faced no resistance more formidable than that of a "vocal minority" of dissidents seemingly bent on surrender.

Setting these political theatrics aside, what are the real alternatives open to us for ending American participation in the Vietnamese War? In his speech, President Nixon mentioned two of the three courses that are actually available. He said, "We can persist in our search for a just peace through a negotiated settlement if possible, or through continued implementation of our plan for Vietnamization if necessary—a plan in which we will withdraw all of our forces from Vietnam...as the South Vietnamese become strong enough to defend their own freedom." Left unmentioned was the third course: a deliberate, orderly withdrawal of American forces which depends neither upon the willingness of Hanoi to give in, nor of Saigon to take over. If we are to free ourselves from the morass in which we are now caught, the third course alone offers us a sure and certain path of extrication.

The First Course—A Negotiated Settlement

As for the first course, a negotiated settlement, the President himself all but writes it off. He concedes, despite his many overtures, that "no progress whatever has been made except agreement

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on the shape of the bargaining table," and he charges that the fault lies with Hanoi. Here in the United States, that proposition looks incontestable. From our point of view, the terms we have offered are unprecedented in their generosity. We say, let the people of South Vietnam decide by free elections who shall govern them. What could be fairer than that? What, indeed, could be more reasonable?

Yet the likelihood remains that the North Vietnamese and the Vietcong will continue to reject even the most "reasonable" proposals we can make. They have been at war for over 20 years and have lately been on the receiving end of something over three million tons of American bombs. They have also been betrayed before by foreign governments: by the French in 1946, who promised a referendum and then refused to hold it, by the United States in 1956, when the Eisenhower Administration upheld Ngo Dinh Diem in his refusal to hold the elections provided for in the Geneva Accords. These are not experiences to encourage reasonableness. The enemy may indeed be in a most *un*reasonable state of mind. Even the most carefully constituted electoral commission, even the most painstaking arrangements for a fair, internationally-supervised election, if that is possible, could well run up against an impenetrable wall of mistrust. If this seems outrageous, we might ask ourselves how, during our own civil war, the Union government would have responded to a British or French proposal for an internationally supervised plebiscite on Southern secession!

In his November speech, President Nixon held that Hanoi alone opposes self-determination for the people of South Vietnam. Once again he assured us that Saigon stood ready to accept the peoples' verdict, presumably even if elections were to result in a communist victory.

Mr. Nixon may think so, but not Mr. Thieu. Consistently and repeatedly he has made it clear that his government has no intention of accepting a "coalition with the Communists" or "domination by the Communists" under any circumstances whatever. No sooner had Thieu returned from his love-feast with President Nixon at Midway last June than he proclaimed: "I solemnly declare that there will be no coalition government, no peace cabinet, no transitional government, not even reconciliatory government." If we must wait at the conference table in Paris for Saigon and Hanoi to compose their differences, then we shall probably have to sit there until pigs sprout wings.

Still, Mr. Nixon stalls for more time, trying to pry loose a settlement with modest troop withdrawals. He talks of bringing pressure on Hanoi. But you cannot bring pressure on an enemy by starting to leave! His real purpose is to bring pressure on Saigon to dignify our exit by accepting a transitional arrangement that will make it seem to the American people that the war has not been entirely pointless, that all the sacrifice has not been in vain.

So we wait, month after month, for some miracle to occur in Saigon or Hanoi that will bring the moribund peace talks back to life. We hint to Hanoi that progress at the conference table, or a wind-down of the war, will mean faster withdrawal of American troops, while we tell Saigon that the pace will depend on the demonstrated ability of their forces to replace our own. In the resultant muddle, all we have succeeded in doing is to place the time-table out of our hands into theirs.

A policy wrong from the start can't be made to come out right. Our country is accustomed to imposing unconditional surrender on its enemies; there can be no compromise settlement of the war in Vietnam which will be applauded by

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the American people. Nor can there be any settlement worthy of reliance, regardless of its terms, for once we have left, no force remains to keep it.

The Second Course—Vietnamization

The Nixon alternative to a negotiated peace is the "Vietnamization" of the war, by which he means turning the battle back, little by little, to the Thieu-Ky regime. How long this will take depends on Saigon, since it is clear that American disengagement cannot be completed until the South Vietnamese army, in the President's words, "becomes strong enough" to assume the full burden of the war. Thus does Mr. Nixon pin our hopes for a successful withdrawal in the future upon the very government which has proved the root cause of our failure in the past.

Had an honest and patriotic government ruled in Saigon, it would have beaten the Vietcong long ago, with no more than material support from the United States. The Vietnamese people are not lacking in military courage and resourcefulness; the Vietcong have demonstrated that. What is lacking is the ability of the Saigon government to inspire either the confidence of its people or the fighting spirit of its army. There is little mystery as to why this ability is lacking. An American study team made up primarily of prominent churchmen recently reported, after a trip to Vietnam, that the Thieu government ruled by terror, using torture and brutality to suppress political opposition, and that the regime relied "more upon police state tactics and American support to stay in power than upon true representation and popular support."

Of all the misrepresentations which have been perpetrated about Vietnam none has been more insulting to the intelligence and offensive to the moral sensibilities of young Americans than the portrayal of the Saigon regime as an upholder of freedom and democracy.

Still, it is to this corrupt, incompetent rule of the Saigon generals that President Nixon looks for the implementation of his plan to extricate the United States from the war. He speaks of changing the military mix in Vietnam by first replacing American ground troops with South Vietnamese, while leaving our supply and support forces—air, artillery, engineers—in their combat roles. Gradually, the argument goes, these forces too could be reduced and returned home. So revealed, "Vietnamization" is not really a formula for disengaging from Vietnam; it is, rather, a formula for leaving an American army engaged in Vietnam indefinitely. Its purpose is not to get us entirely out, but to keep us partially in.

Mr. Townsend Hoopes, former Under Secretary of the Air Force, has just completed a brilliant book on Vietnam called *The Limits of Intervention*. In it he discusses the inherent weakness of any plan for partial withdrawal:

> At best, such a course is a prescription for interminable war; partially disguised by the declining level of U.S. participation, it would in fact require our country to sustain a continuing burden of war casualties and heavy dollar costs that would become open-ended as we leveled off our forces at 100,000 men or thereabouts.
>
> Sooner or later, and probably sooner, the American people would reawaken to the fact that they were still committed to the endless support of a group of men in Saigon who represented nobody but themselves, preferred war to the risks of a political settlement and could not remain in power for more than a few months without our large-scale presence. These things are predictable because the Thieu regime is both self-serving and wholly unrepresentative; its strong anti-communist stance (which our support has both nurtured and hardened) bears little or no relation to the vaporous, myth-

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filled, unideological, village-oriented political sentiments of the vast majority of people who inhabit the non-country of South Vietnam.

At worst, the course of partial withdrawal would produce a progressive erosion of the military situation in Vietnam, leading downward to a time when we faced the prospect of outright defeat. With U.S. strength reduced to 100,000 men, with no corresponding enemy reduction and with no dramatic improvement in the South Vietnamese government and army, developments could seriously threaten the safety of our smaller forces and thus pose the same hard question we faced in 1965—to escalate or liquidate. Were the United States to face, several months or years from now, the serious prospect of military defeat in Vietnam, I believe that fact would strain our capacity for wise choice beyond the breaking point, and that any decision in such circumstances could only further divide our people and imperil our political process.

Little can be added to so lucid and devastating an indictment of the Nixon plan for partial withdrawal, except perhaps this: To persist in a policy which offers us neither hope of winning nor hope of ending our marathon involvement in this tragic war—already the longest in our history—can only compound frustration at home and fuel the unsavory search for scapegoats.

In much the same way that the German General Staff, which had actually initiated Germany's surrender in World War I, later perpetuated the myth of defeat by betrayal on the home front, the men who led us into the Vietnam quagmire have sought to place the blame for the catastrophe on their domestic critics, on those of us who said that we never should have entered the quagmire in the first place and who now insist that we ought to get out. The "real battlefield," according to this self-serving doctrine of the architects of failure, is not in Vietnam but in America, where, if only the critics would be silent, the will of the enemy would supposedly be broken. "Let us understand," said the President, "North Vietnam cannot defeat or humiliate the United States. Only Americans can do that."

The failure to make any progress at the conference table is also being laid at the feet of the critics: "For the more divided we are at home," Mr. Nixon admonishes us, "the less likely the enemy is to negotiate in Paris."

Furthermore, Mr. Kissinger complains, "It's awfully hard to play chess with twenty kibitzers at your elbow, all of them demanding explanations of the purpose of every move, while your opponent listens."

The "kibitzers" who are such an inconvenience to Mr. Kissinger are the very dissenters whose protest finally persuaded President Johnson to stop the escalation of the war and go to the conference table. Had these critics remained silent as the war makers would have had them do, the limited war in Vietnam might by now have escalated into a full-scale war with China. Whatever hope of peace there now is, it is the "kibitzers'" gift to the architects of failure. Long may they "kibitz," acting, let it be remembered, on their own concept of patriotism—which is not the patriotism of silent acquiescence in a policy they detest, but the patriotism of Camus, who would have us love our country for what it ought to be, and of Carl Schurz, that "mugwump" dissenter from McKinley imperialism, who proclaimed: "Our country, right or wrong. When right, to be kept right; when wrong, to be put right."

The Third Course

For the reasons I have endeavored to set forth, I believe that neither the prospects for a negotiated settlement nor the probable consequences of a partial

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withdrawal offer us any reasonable hope for resolving our predicament in Vietnam. For my part, I advocate a third course, ignored by the President in his address, but contained in a bipartisan resolution which Senator Mark Hatfield (R-Ore.) and I joined in introducing earlier this year. The operative language is the following:

> BE IT RESOLVED, That it is the sense of the Senate that, having furnished South Vietnam with an American shield for the past five years to allow for the development of its political and military capacities, the time has arrived for the people of South Vietnam to take charge of their own destiny; and be it further
>
> RESOLVED, That this can be accomplished only through a more rapid withdrawal of American troops, and a commitment by the United States to fully disengage from South Vietnam, pending such reasonable interval as may be necessary to effect an orderly transition on the battlefield, and provide for the safety of American troops and those who may wish to leave with them.

Nearly everyone now recognizes that our intervention in Vietnam was in error. Two years ago, our political skies were still filled with hawks; today, scarcely a hawk can be seen on the wing. President Nixon himself, once a ferocious hawk, may not openly admit, but he implicitly acknowledges, that this country has no vital interest at stake in Vietnam. Otherwise, we couldn't possibly leave the outcome for others to decide, even in a free election.

The time has come for the pretense to end; for the prideful nonsense to stop about securing an "honorable settlement" and avoiding a "disguised defeat." The truth is that as long as our troops stay in South Vietnam, we shall occupy a hostile country. There is no way that the United States, as a foreign power and a Western one at that, can win a civil war among the Vietnamese. Even now, five years after we entered the conflict, it remains a struggle between rival factions of Vietnamese for control of the government in Saigon. The outcome rests, now as before, on the Vietnamese themselves.

If we can find the resolution to end our protracted involvement in this war, we shall suffer no lasting injury to our power or prestige. I do not think that the liquidation of our intervention in Vietnam will mean the loss of our global greatness, any more than the loss of the American colonies cost England her greatness in the 18th century, or any more than the loss of Algeria and Indochina cost France her national stature. On the contrary, the end of empire was not a defeat for France but a liberation, in the wake of which a demoralized nation recovered its good name in the world and its own self-esteem. The termination of our war in Vietnam would represent a similar liberation for America, and even a victory of sorts—a victory of principle over pride and of intelligent self-interest over messianic delusion.

The United States government is not a charity-dispensing institution; its primary obligation is not to the Saigon generals, or to some portion of the Vietnamese people, but to the American people, to *their* security and well-being. When all is said and done about our "honor" and "commitment," the fact remains that our presence in Vietnam can be justified—if it can be justified—in terms of *American* interests, correctly defined as the freedom and safety of the American people.

"A nation cannot remain great," the President said on November 3rd, "if it betrays its allies and lets down its friends." But what more can the Saigon generals expect from us? The amount of money, weapons, ammunition, food, equipment, and supplies we have funneled into South Vietnam is beyond belief, vastly

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exceeding the outside help given North Vietnam and the Vietcong by all the communist governments combined. To fight for the South, we have sent an American expeditionary force of half a million men; no Russians or Chinese have been imported to fight for the North. Hanoi and the Vietcong do their own fighting. I say that Saigon—with larger and better-armed forces in the field than any arrayed against it—must stop relying on us to fight its war. We have kept our pledges, and done far more besides. We didn't undertake to make South Vietnam the 51st American state; we didn't promise to stand guard over the 17th parallel as though it were an American frontier.

But, the President argues, if we were to allow the Vietcong and the North Vietnamese to prevail, there would be "a collapse of confidence in American leadership, not only in Asia but throughout the world." Here Mr. Nixon espouses Mr. Rusk's concept of an exemplary war, which presumably demonstrates to other countries that the United States stands willing to intervene militarily to prevent communist-provoked internal "wars of national liberation" from succeeding. Yet, in his November address, the President reiterated what he had earlier disclosed in Guam, that the United States has a new policy: in the future, Asian governments must defend themselves against subversion from within and not look our way again. The motto, "No more Vietnams" cannot be reconciled with the fiction that we are still fighting an exemplary war in that country.

Withdrawing from Vietnam, according to President Nixon "would promote recklessness in the councils" of the Communist powers, and "would cost more lives. It would not bring peace, but more war." The assertion that by fighting in Vietnam we prevent other wars is pure speculation, rooted not in evidence but in analogy, the analogy of the 1930's when appeasement whetted Nazi Germany's appetite for aggression.

No good historian will buy that analogy. History unfolds more in paradoxes than in parallels. Mark Twain once observed that "We should be careful to get out of an experience only the wisdom that is in it—and stop there; lest we be like the cat that sits down on a hot stove-lid. She will never sit down on a hot stove-lid again—and that is well; but also she will never sit down on a cold one anymore." In the case of Vietnam we would do well to settle for the *un*wisdom that is in it and stop the sacrifice of *real* American lives for the sake of saving hypothetical ones in some conjectural war in an unforecastable future.

We dare not, says the President, abandon the South Vietnamese to "a massacre that would shock and dismay everyone in the world who values human life." Here again we are dealing with something that might happen; in the meantime does no one who values human life feel "shock and dismay" by the senseless sacrifice of American lives in endless assaults on useless hilltops and by death tolls of hundreds of GI's every week? Surely there is another way to protect those South Vietnamese who may feel the need for sanctuary, if it comes to that. Better that we open our own gates to them than keep on sending Americans to die for them in their own land. As for the Saigon generals, there should be ample facilities for them on the French Riviera.

The most dangerous result of withdrawing from Vietnam, President Nixon contended on November 3rd, turns out not to be external but internal. "We would lose confidence in ourselves," he said. "Oh, the immediate reaction would be a sense of relief that our men were coming home. But as we saw the consequences of what we had done, inevitable remorse and divisive recrimination would scar our spirit as a people." Now,

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all of us have reason to fear the re-emergence of a new era of Joe McCarthyism in America. One wonders why the President insists on building the trap so large. Why does he continue to clothe this war in sacred language which has no bearing on its reality, as though "virtue" and "freedom" and the shape of the future itself were really at stake in Vietnam?

As Tom Wicker of *The New York Times* observed in his column on the Sunday following Mr. Nixon's address: "If the President wants...peace to be accepted in this country, it would be more logical for him to use such occasions as Monday's appearance to make a positive case that the American commitment to Vietnam has been honored. The most ever claimed for that commitment was that the United States had obligated itself to halt an aggression and give the people of South Vietnam an opportunity for self-determination. Dating from the first air strikes against the North in 1964, the 'aggression' has been staved off for five years...." [In that time, I might add, we have told the world that a duly-elected government has been installed in Saigon.] "Surely," Wicker continues, "if the American people could be shown that the United States has done as much as possible of what it supposedly set out to do, it would be easier for Mr. Nixon to persuade the nation to expect something less than military victory." To this, I say, "Amen."

The National Interest

What indeed does Vietnam have to do with the vital interests of the United States, which is to say, with the *freedom* and *safety* of the American people? I attempted to define those interests more than four years ago, shortly after our full-scale intervention in Vietnam began. As to *freedom*, I said:

> Freedom, as a matter of fact, is not really at issue in South Vietnam, unless we so degrade freedom as to confuse it with the mere absence of communism. Two dictatorial regimes, one sitting in Hanoi, the other in Saigon, struggle for control of the country. Whichever prevails, the outcome is not going to settle the fate of communism in the world at large, nor the problem of guerrilla wars. They did not begin in Vietnam and will not end there. They will continue to erupt in scattered, far-flung places around the globe, wherever adverse conditions within a country permit communist subversion to take root.

And as to the *safety* of the American people, I added:

> Nor can it be soundly contended that the security of the United States requires a military decision in South Vietnam. Our presence in the Far East is not anchored there. Saigon does not stand guard over Seattle. We conquered the Pacific Ocean in the Second World War. It is our moat, the broadest on earth, from the Golden Gate to the very shores of China. There is no way for the landlocked forces of Asia to drive us from the Pacific; there is no need for us to retain a military base on the mainland of Asia.

After five years of futile warfare, I see no reason to alter that evaluation of American interests. The plain fact is that we did not then, and do not now, have a vital interest in the preservation of the Thieu-Ky government, or even in the preservation of a non-communist government, in South Vietnam. Nor do we have a vital interest in whether the two Vietnams are united or divided. We have preferences, to be sure, and our pride is at stake after committing ourselves so deeply, but preference and pride are sentiments, not interests. From the standpoint of our interests, we have been fighting an unnecessary war for five long years, making it possibly the most disastrous mistake in the history of American foreign policy. It

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can never be vindicated; it can only be liquidated.

The war in Vietnam has been more than unnecessary; it has been unsuccessful as well, and that, in the hard world of politics, is usually the greater crime. The Dominican intervention was unnecessary, illegal, and destructive of our relations with Latin America, but it achieved its immediate objective, the suppression of a revolution, with the result that the issue has not remained to plague and divide us. Had Mr. Rostow and his colleagues been right in 1965 in their supposition that the war in Vietnam could be won with "surgical" air strikes and a few months of ground warfare, the question of the war's necessity would not be the lacerating issue that it is today. But the Vietnam strategists were neither wise nor prescient nor lucky. With disastrous insensitivity to the thought processes of an alien culture, and with contemptuous disregard of the warnings offered by some of us in the Senate, they applied their "scientific" theories of warfare in the apparent belief that the Vietnamese would respond to "graduated" degrees of punishment as they themselves would have responded—by weighing immediate costs against prospective gains. But the Vietnamese turned out not to be scientists. They reacted irrationally and unaccountably by refusing to give up. Their calculations of cost and gain turned out to be different from ours; their willingness to endure punishment turned out to be greater than we had thought possible.

As a result, Vietnam is destined to revert to the control of the Vietnamese. Whether on the basis of a negotiated peace or an unnegotiated withdrawal, American forces will eventually have to be removed from Vietnam. When that happens, if not before, the Vietnamese civil war will be settled—as it should and would have been settled long ago but for American intervention—by the interplay of indigenous forces within Vietnam. Indeed, the chance for a political settlement among these forces may well hinge on our leaving, for it is hard to believe that the Saigon generals will ever settle, as long as they can depend on an American army to keep them in power.

There are—as we have learned and should have known without this trial by fire—limits to the ability of an alien power to work its will in a hostile environment. Our own civil war provides an example: after four years of savage warfare and 11 years of military occupation, the Union finally withdrew its forces from the South, allowing that region to revert to the political domination of the same people who had dominated the secessionist Confederacy. Another example is provided by the Boer War, Britain's turn-of-the-century "Vietnam." After more than two years of frustrating warfare against a guerrilla force of provincial rebels—in the course of which the mighty British Empire became an object of universal scorn and detestation—the British finally beat the Boers, organized the Union of South Africa and then, perforce, turned the political control of the country back to the defeated Boers, who have dominated South Africa ever since.

The common factor in the American Civil War, the Boer War, and the Vietnam War is that each confronted a dominant alien power with an intolerable dilemma: it could impose its will only by the sustained application of overwhelming force; the alternative was to withdraw that force, leaving the indigenous factions to strike their own natural balance more or less as they would have if the alien power had not intervened in the first place. In the one instance "victory" becomes insupportable; in the other, meaningless.

Weighing this dilemma along with the other main considerations I have discussed—that this war is a failure

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and was never in our interests to begin with—what is to be inferred for a strategy of peace?

The point of departure is the clear, candid acknowledgement of our own lack of vital interest in the internal regimes of the two Vietnams. This means that we must break through the pride barrier which has thus far deterred us from admitting that, from the standpoint of our own interests, this war is and always has been a mistake. The purpose of this admission is not flagellation but freedom—the freedom of action which will only be ours when we end our thralldom to the Saigon generals and begin to act in our own interests and no longer on the basis of theirs.

The imperative is that we get out. This does not mean, of course, that the South Vietnamese government would be left helpless in the face of its enemies. It would still have 1,200,000 men under arms as against a total of 250,000 Vietcong and North Vietnamese soldiers now in South Vietnam. If Saigon's army could be inspired to defend the Saigon government, it would survive; if it could not be so inspired, then the government does not deserve to survive. In any case, we have done enough. We have fought their war for five long years and sacrificed 45,000 American lives. It is enough!

The process of disengagement need not be a long, protracted one. We can initiate it immediately by starting to withdraw forces on a significant scale—not the token scale initiated by the Nixon Administration. At the present rate of withdrawal, American troops will be engaged in Vietnam for the next eight to ten years!

For our own part, we have neither the need nor the *right* to sacrifice a single American life for any objective exceeding our own vital interest, which is the preservation of the freedom and safety of the American people. If this be thought ungenerous or unaltruistic, I put it to you that no nation has the moral right to be generous or altruistic with the lives of its own citizens. Perhaps a totalitarian nation, conceiving itself a spiritual entity transcending its individual citizens, may claim that right. A democratic nation cannot; its very existence is for the purpose of protecting and serving its citizens.

Why We Must Get Out

That is why it has become so necessary to disengage from Vietnam, because a process of deterioration has begun in our society which cannot be arrested, much less reversed, until we do get out. Dividing the American people as no issue since the Civil War has divided them, the war in Vietnam has been the cause and catalyst of great domestic ferment in the United States. The crisis it has directly caused is a moral one: the deep offense done to so many Americans by the blatant incompatibility of this war with the traditional values of our society. At the same time, by diverting financial and political resources and by dividing and demoralizing the American people, the war has incapacitated us for effective action in respect to the worsening crises of race and poverty, crime and urban deterioration, pollution and ecological decay.

None of this has to do with simple war-weariness, or, as President Nixon seems to think, with any lessening of the American people's "moral stamina and courage to meet the challenge of Free World leadership." Something more fundamental than fatigue is involved. Twenty-five years ago the American people were simultaneously fighting two great wars on a vastly greater scale and at an even larger cost than the war in Vietnam, and their spirit never flagged. It is not just the burden of leadership or the exertions of warfare that outrage so many of our citizens, but it is *this* war, with its blood-soaked strategy of attri-

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tion, its unsavory alliance, and its objectives—which are both irrelevant to our interests and offensive to our principles. Nor is "weariness" in any way descriptive of what the war critics are experiencing; they are not tired but angry—angry about the needless killing and the stubborn pride which has kept us from putting a stop to it.

I recently received a letter from a young man who is deeply troubled by these matters. A portion of my reply follows:

> The deep disillusionment of young people in their country has its roots in the Vietnam war. When the power of the state is used to force young men to fight a war they believe to be wrongful, under penalty of imprisonment if they refuse, the seeds of sedition are sown. We now reap the bitter harvest, manifested in angry uprisings on campuses from coast to coast....
>
> Whenever the limb is shaken, all the leaves tremble. Once the moral authority of the government is rejected, on an issue so fundamental as a wrongful war, every lesser institution of authority is placed in jeopardy. Every sacred principle, every traditional value, every settled policy becomes a target for ridicule or repudiation. Cauldrons of anarchy soon begin to bubble and boil.
>
> So it has happened that our country is coming unstuck. The ferment distorts every issue; perspective is lost....
>
> I am convinced that we must end the war—or at least our participation in it—before we can begin to stick this country back together again. Then we must have the help of men like you, men who haven't abandoned all faith and who regard the job as worth doing.

Even now there is one thing in which we can take hope, and that is the great force of our American moral traditions. Out of all the dissent and disruption, we have learned something about ourselves—that we still believe in our own values, that Jefferson's idea of liberty and Lincoln's idea of equality and Woodrow Wilson's idea of a world community of law are still capable of moving us and guiding our behavior. We have learned, to be sure, that we are capable of violating our traditional values, but we have also learned that we are not capable of violating them easily, or permanently, or indeed without setting in motion the regenerative forces of protest and moral reassertion.

There will be time enough, when peace is restored, to contemplate the "lessons of Vietnam." Perhaps, if peace comes in the way that I believe it must come, some of our recent and present leaders will take it as the war's "lesson" that America has shown itself unworthy of world leadership. Others will conclude that we must develop more sophisticated techniques of intervention, or that we must improve our "social science," or substitute political and economic for military means of intervention. Still others, at the opposite extreme, will probably judge that we must never again involve ourselves in war on a distant continent. All of these propositions, and variations upon them, will undoubtedly be put forth as the "lessons" of Vietnam, but my own hunch is that none of these will stand as a definitive "lesson" or as a reliable guideline for the future.

It may be that there is no lesson in Vietnam other than the modest one suggested by James C. Thomson, Jr. of Harvard: "Never again to take on the job of trying to defeat a nationalist anticolonial movement under indigenous communist control in former French Indochina." Or the equally modest lesson: that we must for a time—not necessarily forever—tend to neglected matters at home. Or perhaps we will have learned nothing more than that we are a people with a moral tradition, a people who discriminate among their wars and who do not easily act against their own traditional values. ■

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The Generation Gap

HOSTILE DEATHS IN SOUTHEAST ASIA, BY AGE AND MILITARY SERVICE

Hostile deaths through August 1969—attained age:	**Total**	U.S. Army	U.S. Navy	U.S. Coast Guard	U.S. Marine Corps	U.S. Air Force
17	**9**	7	0	0	2	0
18	**2,349**	880	8	0	1,461	0
19	**6,151**	2,884	95	0	3,165	7
20	**10,007**	6,491	241	0	3,257	18
21	**6,350**	4,468	219	0	1,647	24
22	**3,171**	2,226	141	0	776	28
23	**2,331**	1,732	93	0	482	24
24	**1,745**	1,322	72	0	313	38
25	**1,300**	981	66	1	204	48
26	**880**	673	47	1	129	30
27	**516**	369	23	0	83	41
28	**423**	281	24	0	70	48
29	**395**	276	14	0	63	42
30	**316**	213	23	0	42	38
31	**332**	238	18	0	50	34
32	**299**	185	21	0	59	34
33	**261**	166	11	0	44	40
34	**257**	179	6	1	35	36
35	**241**	159	21	0	29	32
36	**239**	165	14	0	34	26
37	**221**	140	8	1	40	32
38	**155**	113	10	0	11	21
39	**118**	76	11	0	14	17
40	**89**	62	10	0	7	10
41	**61**	39	3	0	7	12
42	**42**	26	4	0	8	4
43	**34**	25	1	0	5	3
44	**25**	18	1	0	1	5
45	**17**	9	1	0	2	5
46	**8**	3	0	0	1	4
47	**17**	8	1	0	3	5
48	**12**	7	0	0	3	2
49	**2**	2	0	0	0	0
50	**5**	3	0	0	1	1
51 and over	**9**	5	1	0	1	2
Unknown	**0**	0	0	0	0	1
Total, all ages	**38,387**	24,415	1,208	4	12,049	711

—Statistics from the Department of Defense.

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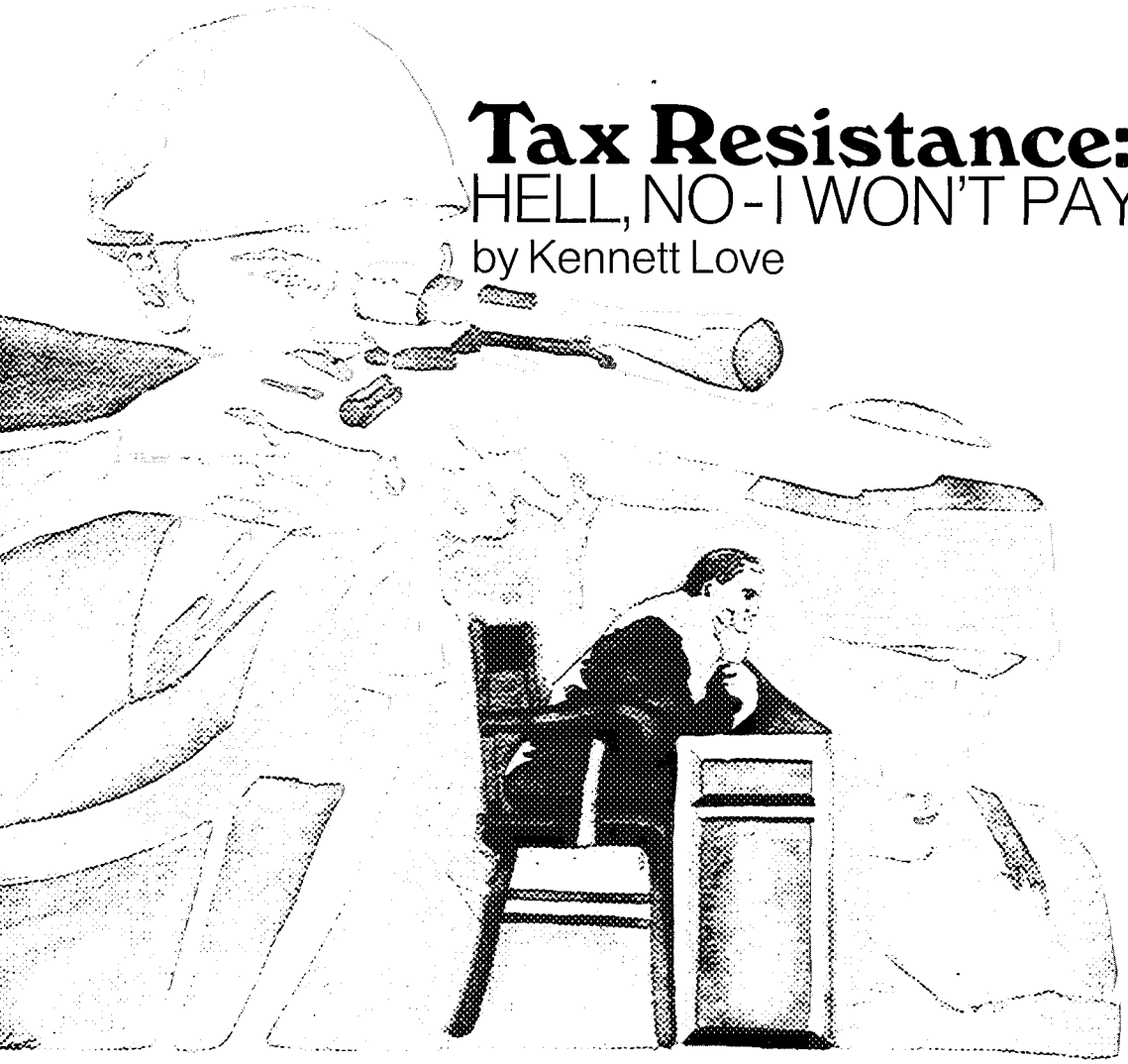
Tax Resistance:
HELL, NO - I WON'T PAY
by Kennett Love



"We believe that the right of conscientious objection to war belongs to all the people, not just to those of draft age," says a pamphlet now being sent out across the country from a littered, poster-bright office on New York's Lower East Side. It carries a radical call to the citizenry to come out against the war in Vietnam by refusing to pay taxes that finance the war.

Such tax resistance is now gathering adherents outside traditional pacifist circles. Although it is still far from a major headache to the government, Internal Revenue Service men are being assigned to locate bank accounts of resisters and to seize the sums due—plus six per cent interest. Out of the frustration of the anti-Vietnam-war segment of the population, which is growing rapidly according to the polls; out of dashed hopes raised by peace promises and peace gestures from the Nixon and Johnson Administrations alike; and out of a

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feeling that orthodox democratic forms of protest—elections and demonstrations—have been ignored, an increasing number of otherwise law-abiding people are following their consciences into what Gandhi called the last stage of civil disobedience by openly refusing to pay part or all of their federal taxes.

The chief targets of the tax-resistance movement are the income tax, particularly the 10 per cent war surtax imposed last year, and the 10 per cent federal excise tax on telephone service. Other federal taxes have been rejected either as too complicated to resist, such as the liquor tax, which is collected at the wholesale level before individual purchase, or as earmarked for such non-war uses as highway construction. One pacifist, imprisoned for draft refusal and therefore lacking income to refuse taxes on, gave up smoking because the cigarette tax brings the government more revenue than any other single consumer-commodity tax.

The telephone tax is the most popular one to resist, partly because it was the first to be specifically linked to the war in Vietnam and partly because the American Telephone and Telegraph Company has proven courteous in its handling of tax resisters. The telephone tax was due to be reduced to three per cent in the spring of 1966. In approving the White House request for its extension of the 10 per cent level, Chairman Wilbur Mills (D-Ark.) of the House Ways and Means Committee said: "It is clear that the Vietnam and only the Vietnam operation makes this bill necessary."

Resistance to the telephone tax began soon afterward. Karl Meyer of Chicago, a former Congressman's son and a free-lance writer immersed in pacifist causes, conceived the idea and proposed it to Maris Cakars of the War Resisters League in New York. Meyer drafted a pamphlet, "Hang Up On War!," which has become a staple among the literature distributed by the War Resisters League through the mails and at peace booths. It explains the link between the telephone tax and the war, summarizes moral and legal objections to the war, and provides practical advice for resisters of the tax, including a candid assessment of the possible risks. Of the risks, it points out that under Section 7203 of the Internal Revenue Code, which covers both the telephone and the income tax, one who "willfully fails to pay" could be imprisoned for up to one year and fined up to $10,000. It adds that the experiences of tax resisters over the past several years show that the government is not willing to press criminal charges but, instead, acts to collect the taxes (with interest) directly, when and where it can.

AT&T records indicate that telephone tax resisters were relatively unmoved by President Johnson's famous "abdication" speech on March 31, 1968, but that about a quarter of them resumed payment of their telephone taxes at the end of 1968 in the belief that President-elect Nixon would end the war. A table of the telephone company statistics follows, giving the number of telephone tax refusers at the end of each quarter since 1966:

Quarter	No. of resisters to telephone tax
1967—1st	1,800
2nd	2,300
3rd	2,600
4th	3,400
1968—1st	3,400
2nd	4,700
3rd	5,300
4th	4,700
1969—1st	4,000
2nd	4,000

The figure for the third quarter of this year is not available yet, but the revived intensity of the anti-war movement, manifested in the national student moratorium on October 15 and the big demonstrations on November 15,

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presage an increase.

Measured against the telephone company's 43,459,000 residence customers, the percentage of tax resisters is minuscule. But in view of the seriousness of the act of tax resistance, the number of resisters is a source of satisfaction and encouragement to the leaders of the movement.

A spokeswoman for the telephone company told me its standing orders are to continue service to tax resisters so long as its own charges are paid. The company notifies the IRS of tax nonpayments so it can do its own collecting. If a tax resister informs the local business office of the telephone company that he is deliberately omitting the tax from his payment, the office will not carry the tax charges forward to his next bill. "It would seem logical to assume that we don't like to be a collecting agency," she said, "but we do what we're obliged to do." She said that telephone tax resisters are located mainly in college communities.

Income tax resisters, although fewer than telephone tax resisters, appear to be a more stubborn breed, unmoved by political gestures and prepared to hold out until the war actually ends. An IRS spokesman in Washington gave me a statistical summary of the growth of such tax resistance. So far as he knew, it first became a public issue when Joan Baez, the singer, refused in 1964 to pay 60 per cent of her income tax in an act to dissociate herself from what she called the immoral, impractical, and stupid war in Vietnam. She refused the same proportion in 1965 and wrote the IRS: "This country has gone mad. But I will not go mad with it. I will not pay for organized murder. I will not pay for the war in Vietnam." Joan Baez and a scattered handful of old-line pacifists, a few of whom had been refusing war taxes since 1941, were not worth keeping statistics on, so far as the IRS was concerned.

Then, in April, 1966, a committee under the chairmanship of the Reverend A. J. Muste circulated a tax-refusal pledge among persons on the mailing lists of the Committee for Non-Violent Action and the War Resisters League. They obtained 370 signatures for an advertisement in *The Washington Post* that stated: "We believe that the ordinary channels of protest have been exhausted...." Joan Baez headed the list of signers. According to an IRS analysis, about one-quarter of the signers had no taxable income, about one-half cooperated with the IRS to the extent of telling the agent who called on them where their money could be seized, and about one-quarter put the IRS to the trouble of ferreting out their bank accounts. The number of actual resisters came to about 275.

The following year the IRS began keeping a count of tax protesters. The number rose to 375. In 1968 there were 533 taxpayers who refused part or all of their income taxes and wrote the IRS that they were doing so in protest against the Vietnam war. This year there were 848 who set themselves against the law on grounds of conscientious objection to the war. The IRS spokesman told me that roughly three-quarters of the income-tax protesters live on the east and west coasts and that the same proportion held for persons refusing to pay the telephone tax.

IRS spokesmen emphasize that the number of refusers is only a tiny fraction of the total number of taxpayers. There were some 71 million returns filed in 1967, about 73 million in 1968, and 75 million in 1969. But again, tax-resistance leaders find significance in the fact that the very idea of tax refusal was unthinkable to nearly all of the resisters until their consciences impelled them to it. Furthermore, although the numbers are small, the rate of increase of tax resisters is far greater than the annual increase in tax returns.

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Fear of prosecution and jail is a deterrent to potential tax refusers. Many people fail to recognize the distinction between clandestine tax evasion and open tax refusal. The IRS makes the distinction, however, and has shown no inclination to prosecute persons refusing taxes because of the Vietnam war. An IRS spokesman said earlier this year: "Is IRS going to ask the Justice Department to go to a federal grand jury and get a jury trial to put a man in jail for a dollar, when all we have to do is go to his bank account?" Tax-resistance leaders believe also that the government wishes to avoid the publicity attendant on a prosecution, largely because a test case might produce a martyr and create sympathy for the movement. The few prosecutions in recent years have been for refusal to file returns or disclose information rather than for refusal to pay.

War tax refusal in this country is older than the United States itself. It began in 1755 when Mennonites and Quakers refused to pay taxes for the French and Indian wars. They refused again during the American Revolution and the Civil War. The most famous early instance was that of Henry David Thoreau, who spent a night in jail in 1848 for refusing taxes in protest against our invasion of Mexico. He explained in his essay on civil disobedience that he could not "without disgrace be associated with it" and added: "If a thousand men were not to pay their tax bills this year, that would not be a bloody and violent measure, as it would to pay them, and enable the State to commit violence and shed innocent blood."

Gandhi, who was deeply influenced by Thoreau, wrote in 1922 that "civil non-payment of taxes is indeed the last stage in non-cooperation. ...I know that the withholding of payment of taxes is one of the quickest methods of overthrowing a government." He went on to say: "I am equally sure that we have not yet evolved that degree of strength and discipline which are necessary.... Are the Indian peasantry prepared to remain absolutely non-violent, and see their cattle taken away from them to die of hunger and thirst? ...I would urge the greatest caution before embarking upon the dangerous adventure." But Lord Mountbatten said with relief after India became independent: "If they had started to refuse to pay their taxes, I don't know what we could have done."

The idea of modern, organized tax resistance in this country against armaments and war seems to have begun with the Peacemaker Movement, which was formed by 250 pacifists who met in Chicago early in 1948. In February, 1963, the Peacemaker Movement published the first edition of a mimeographed *Handbook on Non-Payment of War Taxes*, which contains practical advice and case histories. The handbook has now run to three editions and nearly 10,000 copies. It points out that since the bulk of the federal budget (estimates range from 66 to 80 per cent) goes to pay for past wars, finance the Vietnam war, and prepare for future wars, "it is apparent that the major business of the federal government is war...it is useless to act as if the major business of government is civil functions or peaceful pursuits."

In the summer of 1967, a little more than a year after A. J. Muste's committee published its tax protest advertisement with 370 signers, Gerald Walker of *The New York Times Magazine* began to organize a Writers and Editors War Tax Protest, in which all the signatories pledged themselves flatly to refuse the then-proposed 10 per cent war surtax and possibly the 23 per cent of their income taxes allocated to the war effort as well. As was the case with the Reverend Muste's advertisement, most daily newspapers that Walker approached refused to sell space to him.

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The New York Times was one that refused and so, this time, was *The Washington Post. The New York Post* printed Walker's advertisement in January 1968, as did *The New York Review of Books* and *Ramparts.* In all, 528 writers and editors signed the pledge. Walker told me recently that about half of them, including himself, failed to carry out the tax-refusal pledge. "Johnson's 'abdication' two weeks before the tax deadline convinced me that we had won," he said.

I was myself among the other half of the signers who did refuse part of their taxes—23 per cent in my case, the 10 per cent surtax not having gone into effect. Since my own hesitant involvement in war tax resistance seems typical among the non-pacifists now joining the movement, I will summarize it here as the case history I know best. With my part payment of my 1967 income tax, I wrote the IRS as follows:

> Enclosed please find my check for $1,862.81, which is 77 per cent of the tax required. The 23 per cent unpaid is a protest against the government's use of that proportion of its revenue for the war in Vietnam. My conscience revolts against the gross immorality of the war.... There are also questions of law. The war violates the supreme law of our land, notably the Constitution (Art. I, Sec. 8, clause 11), the United Nations Charter (Art. 51), and the Southeast Asia Treaty (Art. IV). ...Responsible jurists and philosophers soberly accuse our government of crimes against international codes on human rights and the conduct of wars and the specific statutes created ex *post facto* to punish the Nazis....
>
> The prodigal waste of our national energy and treasure in destroying the land and people of Vietnam is so weakening this nation that other powers may bring us to judgment as we once brought the Nazis to account at Nuremburg....It will then be no defense to plead, like the "good Germans," that we had to obey our government and cannot be held responsible for what it did. By paying taxes which I know my government is using to kill a small nation I commit a greater and more violent breach of laws than I do by not paying....
>
> I was a Navy pilot in World War II. I would not serve in this war. If I could prevent my tax dollars from serving, I would do so. Unfortunately, I have not yet learned of a practical way to keep the government altogether from extracting financial support from me for the war. In the meantime, I balk at 23 per cent in token of my dissociation from the cruel injustice and bloodshed to poor and distant strangers being done under my flag, in my name, with my money.

The IRS reply did not come until after I had refused a similar amount of taxes last April. It was a form postcard saying: "Dear Taxpayer: Thank you for your letter. We are looking into the matter you brought up and should have the answer to you shortly....Thank you for your cooperation." The answer, inevitably, was a series of printed forms, progressing from a "notice of tax due" to a "Final Notice Before Seizure." The IRS had already seized telephone taxes, which I stopped paying in 1967, from three bank accounts, patiently tracking down the bank to which I transferred my account after each seizure. The IRS obtained the unpaid part of my 1967 tax, plus six per cent interest, in June. At this writing I am awaiting implementation of the Final Notice Before Seizure of the refused portion of my 1968 taxes. Banks are required by law to surrender private assets, including the contents of safe deposit boxes, to the IRS upon demand. Most banks surrender the levied amount immediately and the depositor is informed afterward.

This whole business of deliberately defying and harassing the government, even in a moral protest, is a heavy and anxious experience. When I first considered it in 1966 I was unaware that some hundreds of other people were

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already doing it. I was afraid of going to jail, which, among other things, would have prevented my fulfilling a contract to complete a book. I began refusing the telephone tax after obtaining the pamphlet "Hang Up On War!" from a pacifist in Princeton in August, 1967. The Writers and Editors War Tax Protest, which came to my attention that fall, gave me a sufficient sense of safety in numbers to begin income-tax resistance.

I am still troubled over possible consequences, particularly after the conspiracy convictions in the Dr. Spock trial, and I find it innately distasteful to resist paying my share of the general tax burden. But my revulsion against the war in Vietnam prevails over anxiety and civic reservations. And the Nixon Administration seems as unwilling or as unable as the Johnson Administration to make a significant and credible effort to end the war. In 1964 the country voted for Johnson and peace and got an escalation of the war. In 1968, between Nixon and Humphrey, there was no real opportunity to vote for peace. Demonstrations have proven equally futile as a means of affecting war policy, so much so that the President declares that he will not be swayed by them. Under these circumstances, tax resistance, distasteful as it is, seems to more and more people to offer the most effective channel of protest.

This summer I participated in the formation of War Tax Resistance, which is working to transform tax protests from essentially individual acts into an integrated political factor. The leading figure in the organization is Bradford Lyttle, a slim, earnest, no-nonsense pacifist who nine years ago led a peace march across the United States and Europe to Moscow, urging unilateral disarmament on governments along the way and exhorting citizens toward non-cooperation with military service and war production. Its "Call to War Tax Resistance," claiming the right of conscientious objection for taxpayers as well as draft-age men, says:

> The first goal...is to convince as many people as possible to refuse at least $5 of some tax owed the government. Nearly everyone can do this by refusing their federal telephone tax or part of their income tax. If hundreds of thousands refuse to pay $5, they will establish mass tax refusal. Besides having the burden of collecting the unpaid amounts, the government will be faced with the political fact of massive non-cooperation with its war-making policies.

In a separate but related action, the poet Allen Ginsberg and I have obtained the backing of the National Emergency Civil Liberties Committee for a suit against the government to recover money that has been seized from us in enforcement of tax claims and also to enjoin further seizures. The main ground of our action, as it is now being prepared, is based on the historical equivalency between taxes and service (which is a kind of tax) and the claim that the right of conscientious objection is as inherent to taxpayers as it is to men liable for military service. Conscientious objectors cannot avoid service but they can ear-mark their service to the exclusion of warlike activity. In the same way, we claim, taxpayers should pay their full share but they should be able to ear-mark their taxes to the exclusion of warlike applications. In a time when weaponry has achieved the capacity to wipe out civilization, we believe, the people should be accorded a direct voice in deciding whether they shall make war. Since World War II the decision has moved ever more into the hands of the executive despite the Constitutional stipulation that it is Congress which should declare war.

Meanwhile, until we are legally able to earmark our taxes for non-warlike applications, we feel conscience-bound to resist paying at least a part of them. ■

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One Man, No Vote

by Thomas R. Reid, III

"I hate violence, but if a firebomb is the only vote they'll give me, by God I'll use it." The speaker is a resident of Washington, and he had been arrested for trying to prevent the construction of the Three Sisters Bridge over the Potomac. Clashes between police and Washingtonians at the construction site have been frequent. Not long ago firebombs destroyed $15,000 worth of construction equipment.

The people of Washington cannot vote against—or for—the Three Sisters Bridge, just as they cannot vote for—or against—the officeholders who govern the capital city. Congress runs Washington, and the man who decided the bridge must be built, Democratic Congressman William Natcher, is elected by the citizens of Bowling Green, Kentucky, and environs; so any Washingtonian who wants to vote against the bridge—known locally as the "freak of Natcher"—has to move to Kentucky. The Supreme Court's one-man one-vote

Though deprived of the vote, we are required to pay taxes. Last year the District of Columbia provided more federal income tax revenue than several of the states, and there is a local income tax as well.

Washington residents want the right to govern themselves—we have voted for it in referenda by margins of more than nine-to-one. But since we have no votes to offer or withhold, Congress pays no attention. "Home Rule" committees occupy themselves writing letters to the editor and passing out bumper stickers ("D.C.—The Last Colony").

What else is there to do? In 1967, James Farmer suggested that the District take its plea for self-determination to the United Nations. The idea was ridiculed at the time, but it is no more ludicrous than the situation that prompted it. Of course the U.N. wouldn't do anything about home rule for Washington; but then our own political process isn't doing anything about it either.

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All of which raises the question: Is violence the only form of political expression left to the people of Washington? Must we adopt the same means adopted by other colonies since World War II—the means used, some years back, by the residents of what was to become the United States? Violence is clearly a hopeless strategy. Besides being offensive to the values of most of us, besides being dangerous to the social fabric, violence can only unleash much greater violence in support of the status quo. The police—and if not the police, the national guard—will always win the battle at the bridge.

So what else is there to do? The answer is that there are many non-violent ways to make a point, and that one of these alternatives—tax refusal, as described in the preceding article—is particularly applicable to the plight of the District of Columbia.

Perhaps it is time for the disenfranchised citizens of Washington, D.C., to refuse taxation until they are given representation. Maybe they should stop paying taxes until they start winning battles like that of the Three Sisters Bridge. In doing so, they would affirm an ideal as old as the republic. As John Marshall put it, the principle of "no taxation without representation" was "forged at the docks of Boston and asserted in our revolution."

If they need official sanction, residents of Washington can find it at the top. During his first week in the White House, President Nixon made one thing perfectly clear: "Nearly 200 years ago, the people of America confronted the question of taxation without representation. It was not acceptable then; it is hardly justifiable now." In addition to having strong historical and philosophical underpinnings, tax resistance is a manifestation of an established American institution: economic pressure.

Ideally, it might not even require a mass movement. One taxpayer, suing for a tax refund in a class action, could conceivably free himself and "all others similarly situated"—i.e., all other residents of Washington—from federal and local taxes. In fact, there is such a suit in the courts right now.

Unfortunately, it probably won't work. The courts have refused several times to accept the idea that the duty of taxation implies the right of representation. In the leading case on the question, *Heald v. District of Columbia*, Mr. Justice Brandeis dismissed the argument in two sentences.

What would be required, then, is tax resistance—through non-payment, or through filing for refunds—on a massive scale, both in the District of Columbia and among sympathetic taxpayers throughout the nation. If it is to be effective—as opposed to token—resistance, it would have to involve thousands of people who were willing to refuse all of their taxes. The effect would be twofold: first, the nuisance to the government—record-keeping, processing, investigating, and collecting—might be enough to stir Congress into action; second, the publicity generated by a resistance campaign would focus national attention on the fact that Washingtonians are being denied one of the basic rights of the American people.

Of course, tax resistance cannot be considered lightly. It is the response of people whose backs are to the wall. For one thing, tax resisters are liable for economic penalties and may be subject to criminal prosecution.

But, where the political process breaks down—as in the District of Columbia, where normal channels of persuasion have repeatedly failed; as in the District of Columbia, where the people, in their powerlessness, begin to feel they must resort to violence—then tax resistance may be called for.■

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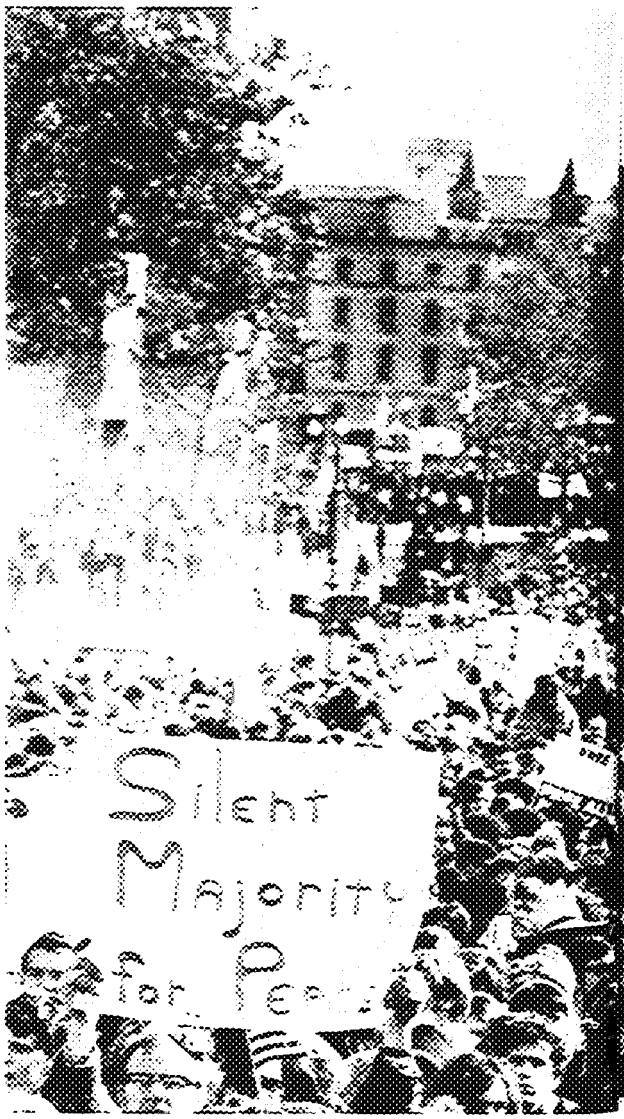
Polarize or Persuade

AN INTERVIEW WITH CONGRESSMAN ALLARD K. LOWENSTEIN

Question: Mr. Lowenstein, where are we in this country now?

Lowenstein: We are at a turning point. Great nations don't have many turning points but we are at one now. The central issue, of course, is the war. The Nixon Administration seems to be trying to polarize the country on other issues, anything to avoid that central one. It wants to focus everyone's attention on things like who's for disruption—things out of an earlier Nixon incarnation, like who's helping the Commies. The famous silent majority may or may not be susceptible to these kinds of appeals, but they certainly wouldn't support a policy that meant staying on in Vietnam for the next several years. That's why the Administration uses *our* vocabulary about getting out of Vietnam and then tries to distract everyone from what its policy really is, by provoking fights over side issues, or even non-issues, in terms designed to make those who disagree with it seem like fringe groups or prisoners of fringe groups.



Question: Can Nixon's strategy work?

Lowenstein: It could, if we let him define the issues. If he succeeds in defining the choice as himself or the radical fringe, it's obvious which way the uncommitted middle will go. The line is that they can have peace by supporting him—even if he's vague about just

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by David Hapgood

Wide World Photos

when—and they can stop the Communists and have domestic tranquility in the bargain. Very beguiling. The trouble is it won't work, and sooner or later he'll have to pay the price of purchasing short-range support at such a terrible long-range price.

But the sad fact is that another year of war, another major credibility problem with the government, and the whole country will be paying a terrible price, not just the President. Where will the country be if the President continues to frustrate the yearning for peace among the most committed groups—the kids for instance—while retaining a transient "majority" support from people who think he's ending the war and don't understand the impatience of those who can see he's not and who are expected to bear the brunt of the continued fighting? Talk about bitterness, division, mistrust in the process of democracy—think where we'll be if we have to go through another year or two of this sort of polarizing, with more and more people turning to disruption on the grounds that nothing else works. That, of course, is the heart of the Agnew strategy—drive the people most actively opposed to the present policy into behavior that will alienate everyone else, and thus polarize the country not on the central question, but on the subordinate ones.

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Question: What kind of strategy should the peace movement follow?

Lowenstein: We have to get out again and show people that the present policy cannot produce what people think they're going to get, that making peace contingent on what Hanoi and Saigon do is not going to make peace at all. After all, the key political fact is that the majority is with us on *goals*—that's why the Administration uses our vocabulary to describe its goals. And we have to oppose tactics that shift the argument from the merits of the war and that endanger basic constitutional safeguards in the process.

Question: Can a middle-class liberal who is against the war and for social justice make a case to what some people call Middle Americans?

Lowenstein: Of course. Very few try. What a travesty it is on all our theories of democracy when people talk only to themselves or to other people who agree with them. That was one of the great things about Robert Kennedy—not only trying to convert people to his point of view, but learning and growing from hearing other people. Most Americans now want change, they are unhappy with the way things are going. Lots of people who were for Kennedy switched to Wallace, as everyone knows—they were upset and looking for leadership that seemed concerned about their problems and that gave hope of change. That's why it's so important to make our case effectively to reach people who are upset with things, with candidates who will reach to the best in them, not the hates and fears—candidates who present and who will follow programs that will make things change for the better. That's also why Robert Kennedy's death was such a tragedy—the only death I know that gets harder to take as time goes on.

Question: How do you go about achieving change in American politics?

Lowenstein: My own view is that the best hope for the kind of change we need so desperately now is by working with sort of floating coalitions—alliances with whoever agrees with you on given issues. You don't change your views to get these kinds of alliances, but neither do you demand that other people agree with you on everything else to work with you on one specific problem. I won't suddenly become a segregationist to work with people against the draft. But if I can work with people against the draft who don't agree with me on segregation, and work with people against segregation who don't agree with me on the draft, and if I can work with people against the war who don't agree with me on anything else, that's hopeful, it seems to me. Some people want to apply a kind of political saliva test to all prospective allies to be sure they're pure on every issue. "Pure," of course, means in agreement with *them*. Well, that's moral arrogance. Talk about imposing conformity! Besides, it doesn't work very well. A great deal of what happens in elections in this country depends on the candidates, and it's rare to find a candidate with whom you can agree on every issue. I'm not even sure it's necessarily good to find such a candidate—it may mean someone has quit thinking.

Question: Do you think the peace movement has made progress in spite of Kennedy's death and what that meant?

Lowenstein: Of course we've made progress, more of it than we sometimes realize. The number of people who are against the war is much greater than it was a year or two ago, to say nothing of the early days. Yesterday's heresy has become today's rhetoric. Everyone is now for withdrawing the troops. That's far from enough, but if we're frustrated because the war is still going on, think how frustrated the hawks must be to

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know that their most cherished goals have been abandoned even by their most cherished spokesmen. No more talk of military victory, invading the North, or even blockading Haiphong.

The danger is that in our great frustration we won't notice that we're on the verge of winning—that we'll quit just before the seige would succeed, like the British quitting Gallipoli in the First World War only to discover when the memoirs came out that the Turks would have surrendered the next day.

Question: There seems to be much more frustration among the young people in the peace movement than among older people. Why?

Lowenstein: There are lots of reasons, but the most important one has to be the obvious fact that they're supposed to fight the war for everyone else. Tell a kid facing the draft to be patient—he may be dead or maimed because everyone is so patient. That's like telling the mother of a starving child to be patient about getting food. It's easier to be patient about the war if you're not about to be drafted. People under 30 have never known what it is for their country to be *right* in a war—all they've known is the Dominican Republic and Vietnam. The men they have admired the most have been murdered—Kennedy, King, Kennedy. Think of whom they've had to choose their Presidents from, and think of what has happened to the promises made by Presidential candidates when they have become President. It's not exactly a record designed to inspire confidence in the democratic process.

Remember also the special trauma of the recent assassinations. Not only were the greatest voices of reconciliation and reform suddenly gone, but the idea of self-government seemed itself to be an illusion. After all, ordinary people had shown how much effect they could have on the direction of the country through electoral politics. And before any of the changes they had worked for could be consummated, Robert Kennedy was dead and Richard Nixon was President. Two Presidents in a row got there only because a man was killed who would have pursued an opposite course on the things of greatest concern to young people. Now there's a nagging subconscious feeling that maybe there's no point in going on with it. So while I think it's true that we may be on the verge of a breakthrough on the war, it's also true that the country's not far from unraveling. That's what I meant when I said before that we're at a great turning point, which should provide incentive enough for people who love this country to try even harder to make things work as they should.

Question: What's the problem between you and the New Mobilization Committee? We read that you were invited to speak in San Francisco, then disinvited the same day. And in Washington, we're told, the Mobe didn't want you on the podium.

Lowenstein: That's right. They invited moderates to give themselves respectability; then, in my case, they rescinded the invitation as soon as they felt they could get away with it. In Washington, they only accepted people like Coretta King and Senators McGovern and Goodell under very great pressure.

Question: What's the nature of the disagreement?

Lowenstein: It goes to the heart of what you think the anti-war movement is and what it should be. There is a small group of people who want to gain control of the movement, to place it in the hands of a far-out minority. They want it to be a small sect of the faithful. They're really not interested in winning over the undecided people in the middle, in picking up support on the war from people they may disagree with in other ways. For example, I was booed down when I

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said I welcomed Averell Harriman's opposition to the war even though he was against the Mobilization. That was a lunatic business. I tried to say what a great thing it was that a man of Harriman's stature, who had been part of the previous Administration, had come around to our point of view about the war. People screeched and yelled and howled me down. These people talk a lot about not being exclusive, but that's not how they operate in practice. I think what they really want is confrontation. You might call them the Agnews of the peace movement.

Question: Why are they so bitter toward you and other moderates?

Lowenstein: Because if we win, they lose. If we succeed, they have no constituency. The only way that extreme groups on the edges can get control of anything substantial in this country is if we can't—in Edward Kennedy's phrase—end wars and right wrongs. So, though they'll talk about "non-exclusionary" efforts, they see nothing wrong with shouting down someone who doesn't conform to their particular prejudices. But heaven help anyone who dares criticize their behavior.

Question: Are there issues besides the war on which you think this constituency—the people who were here November 15—should also be working?

Lowenstein: Of course. There's the whole neglected agenda of this country, everything from hungry children to polluted rivers...all the situations that Robert Kennedy used to call "unacceptable."

Question: How about Congressional reform? Liberals don't seem to take much interest in that subject.

Lowenstein: Well, nobody pays much attention to Congress in that sense—attention to its internal workings. Which is not surprising. The Congress, particularly the House, so demeans itself by the way it conducts its business that serious people don't take it very seriously. We couldn't even get a record vote on deploying the ABM! The country's torn up about the draft, the war, poverty, race, housing, pollution. But just try to get a sensible debate in the House on the things that matter most. No wonder more and more people tend to dismiss the Congress as irrelevant. And what a mistake it is to do that. If people were a little more aware of why Congress does so poorly about so many things, basic procedures could be changed. What a difference that would make on all the substantive problems. We're pressing for a reform bill to be considered this session—we'll need help from around the country, a kind of national lobbying effort to put this problem somewhere higher in people's priorities. Otherwise, the legislative institutions will go on decaying. And democracy is not helped by greater reliance on government by confrontation or government decree.

Question: What's your mood these days? Are you pessimistic?

Lowenstein: There's too much to do, too much at stake, to worry much about the odds. What a beautiful place this could be! Nothing like it in all the universe, through all eternity—that's what kept going through my mind on the long trek from Arlington to the Capitol the other night. It was very cold in the dark, but there was no break in the line of people guarding candles, singing quietly, passing the great national shrines of America and on to the great centers of political power. What a beautiful generation we have produced—what vibrant, good, gentle people. I kept wondering if any country could be so stupid, so self-righteous and closed, to throw all this away. I decided if we were that stupid and self-righteous and closed, we would deserve what we'd get; and to end up that way by default would be the most unacceptable thing of all.■

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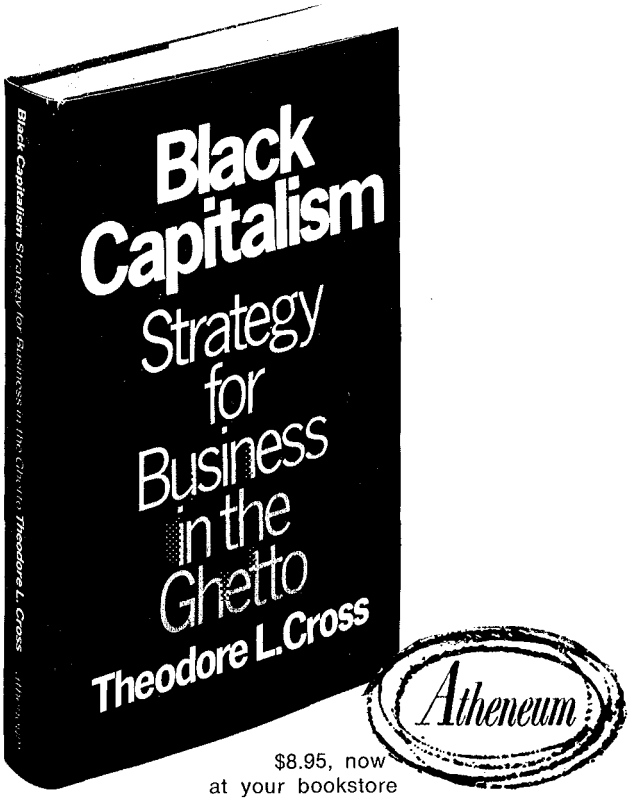

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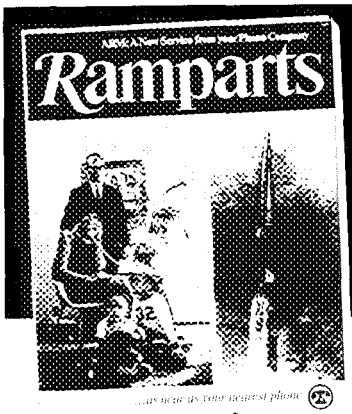

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BOOKS:
Can We Do Anything Right?
A review by Jack W. Carlson

The Analysis and Evaluation of Public Expenditures: The PPB System.
(Three Volumes.)
Compiled by the Congressional Joint Economic Committee.
Government Printing Office. Three volumes: $5.25.

Bureaucracy is going out of vogue as the chief whipping boy for ineffectual performance in government. Critics no longer complain merely of red tape, paperwork, or duplication. Today they are warming to a more serious notion: that no program, however well managed, contributes enough to the national well-being to justify its costs. An increasing number of critics are also beginning to say that the federal government has developed two defects that are central to its existence: (a) it does not know how to tell whether many of the things it does are worth doing at all; and (b) whenever it does decide that something is worth doing, it does not know how to create and carry out a program capable of achieving the results it seeks.

What has made the growing concern transcend the narrow, standard complaints about bureaucratic bungling is the scale of waste; many Americans are convinced that it literally encompasses billions and billions of dollars. The dissatisfaction is not expressed only by demonstrators who doubt our national values; it comes also from believers in those values. Witness Senator William Proxmire (D-Wis.), chairman of the Subcommittee on Economy in Government of the Congressional Joint Economic Committee:

> Our recent hearings...confirmed my worst suspicion about the gross inefficiency in public programs.... neither the executive branch nor the Congress exercises effective control over the budget and the allocation of federal revenues.

The problems might be tolerable if the government's scope still covered only a few select areas of society. But it is far more serious when the federal government directly collects and disburses $193 billion a year and indirectly mandates many other dollars, through state and local matching requirements for federal grants-in-aid and also through private expenditures that must conform to federal standards. What the government does *not* collect is no drop in the

Jack W. Carlson is Assistant Director for Program Evaluation of the U.S. Bureau of the Budget.

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bucket either. Former Secretary of the Treasury Joseph Barr estimates that about $50 billion a year stays out of the federal treasury through special tax provisions, thus affecting both the tax burden on others and the allocation of the nation's resources.

The sheer magnitude of these billions makes the perceptions of critics like Proxmire disturbing. After all, generations of embattled federal Budget Directors have learned that everything in the budget is in there because somebody wants it, and wants it badly enough to fight hard for it. At the same time, of course, demands for new expenditures rise every year.

Even the proponents of decentralization and community control are thinking in terms of more federal funds; what they usually seek is decentralization of funding, but no reduction in total expenditures. Nor, as Senator Proxmire argues, is Congress likely to provide an effective brake on demands for more funds. Indeed, the legislative process tends to insure that budgets will go up, since members of Congress so often succeed in securing seats on committees which determine what the level of federal expenditure shall be in those categories of funding that lie closest to the heart of their home constituencies.

As an institution, then, the federal government finds itself caught at the center of three forces:

- High and rising demands for programs that effectively solve problems;
- High and even faster-rising dissatisfaction with tax levels;
- Bitter disagreement over priorities for public expenditure.

Any effort to contend with these pressures clearly involves intellectual and practical questions of the greatest difficulty. How does one evaluate a government program? What gains and losses should be taken into account? Given the paucity of information in so many areas, how does the government find out what the gains and losses are? How does one develop and compare policy alternatives? What programs are ineffective? What programs do more harm than good? How does one analyze or display the distributional effects of programs? How can the future implications of present decisions be foreseen (and fed into the decision process now)? How can the quality of policy debate be improved so that fights focus on facts instead of on hopes and fantasies? How can government protect people from the brutalities of change without institutionalizing obsolescence? How much should it try? How does the government develop the capacity to analyze the arguments of special interests and to separate the legitimate from the mendacious? When does a basically good program reach the point of diminishing returns?

Eight years ago, the Defense Department pioneered in creating an analytic framework and procedure for asking and answering such questions. Four years ago, the federal government began imposing this innovation on many of the civilian agencies. Since then, the Planning-Programming-Budgeting System—known variously as PPBS and as PPB—has become a topic of lively interest and controversy.

The most tenacious students of PPBS in Congress have been members of Senator Proxmire's own Subcommittee on Economy in Government, which has been scrutinizing the theory and practice of PPBS almost since its introduction. This year, for the convenience of anyone with a high toleration for small print, the subcommittee issued what is certainly the most comprehensive, and probably the best, examination of PPBS so far. Called *The Analysis and Evaluation of Public Expenditures: The PPB System*, it is a three-volume compendium of 50 papers which range from works on public-expenditure theory to single-agency evaluations of the status of

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PPBS. It also includes some of the best recent works on the processes and problems of governmental decision-making.

As the compendium notes, President Johnson, when he himself became a missionary for PPBS in 1965, expressed the hope that it would enable public decision-makers to:

> (1) Identify our national goals with precision and on a continuing basis;
> (2) Choose among those goals the ones that are most urgent;
> (3) Search for alternative means of reaching those goals most effectively at the least cost;
> (4) Inform ourselves not merely on next year's costs, but on the second, third, and subsequent years' costs of our programs;
> (5) Measure the performance of our programs to insure a dollar's worth of service for each dollar spent.

Most observers do not need to be told that the government has yet to achieve these utopian results. Indeed, criticism of governmental decision-making has accelerated since the first large-scale expansion of PPBS in 1965. Yet both the overwhelming majority of contributors to the three-volume study, as well as the members of the Joint Economic Committee itself, are convinced that improvement in government decision-making will result from proper use of the basic managerial tools that comprise PPBS. According to the Bureau of the Budget's contribution to the compendium: "Useful analysis... has increased by about 200 per cent during the last four years." This increase probably would not have occurred without the stimulus of PPBS.

The compendium refers to several examples of the beneficial role analysis has played. For example, during 1966, various citizens' groups called on the government to combat the rising level of environmental pollutants. Several public opinion polls showed that the nation considered environmental quality a more pressing social problem than the Vietnam war or law and order. In the case of controlling pollutants from stationary sources (i.e., everything but cars), policymakers at first thought that national emission standards limiting allowable pollution were the best way to tackle the problem. Also, they thought that the burden on industry for air-pollution abatement would be at least $10 billion per year and that, therefore, the general taxpayer should help industry pay for reducing the trash thrown into the atmosphere.

The government made studies of these problems, and the results were astonishing. They showed that the introduction of national standards for air pollutants from stationary sources would cost at least twice as much as a program limited to the geographic areas where air pollution is a problem. Furthermore, the studies concluded that the total cost could be reduced by at least another 50 per cent if abatement were only selectively required within each "air shed." As for the cost of air-pollution control, it appeared from crude data that the cost might average less than one-sixth of one per cent of production costs for the affected industries

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and 25¢ per month per household in cities over 50,000. This was hardly an inordinate amount for industry to pay when labor costs in recent years have risen by more than four per cent per year. And the burden on households would be only one-ninth of one per cent of personal per capita income. Because of such studies, the following things happened: the Clean Air Act provided for the abatement of air pollution in air sheds; the government decided to pursue administration of the Clean Air Act more vigorously; and industry's proposals for tax advantages and government grants were rejected on two grounds—that abatement costs were not excessive for most industries and that pollution abatement should be considered a cost of production (and should therefore be paid by the purchasers of the affected products).

Judging from these and other examples mentioned in the compendium, it is understandable why the JEC concluded that the studies alone could easily justify the $20 to $40 million that PPBS may cost each year.

However, the biggest accomplishment of PPBS may well be the increasing recognition that analytic arguments are useful. Listen to what Charles Schultze, former Director of the Bureau of the Budget, says in his contribution to the compendium:

> The most frustrating aspect of public life is not the inability to convince others of the merits of a cherished project or policy. Rather, it is the endless hours spent on policy discussions in which the irrelevant issues have not been separated from the relevant, in which ascertainable facts and relationships have not been investigated but are the subject of heated debate, in which consideration of alternatives is impossible because only one proposal has been developed, and, above all, discussions in which nobility of aim is presumed to determine effectiveness of program.

This situation, believe it or not, is slowly changing. Alternatives are being developed, along with an awareness that good judgment can become wisdom when combined with good analysis. Thus the framework of PPBS and the systems-analysis approach have achieved some legitimacy.

Evaluation of existing programs—that is, finding out what they do and what they fail to do—is also gaining wider use as a means to help set priorities. Such evaluations can determine the ways in which a given program is or is not meeting its intended goals.

In the case of Social Security, for example, an analysis showed that of the people receiving benefits from Old Age and Survivors Insurance only 31 per cent are poor and only eight per cent are black. Obviously this program was not designed to assist the poor. But the information demonstrating how little it helped the poor became useful in suggesting other approaches to the problem of the poor, such as the proposed family-assistance program.

Similarly, an evaluation showed that Aid to Federally Impacted Areas does not really help school children in the central cities, since only five per cent of the program's beneficiaries live in the central cities. Most of the benefits accrue to children and schools in the suburbs.

If such analysis is so useful, then why hasn't it been more successful? The JEC study attempts an answer.

First, many people expected too much. This may reflect the overselling that occurred among the pioneers of this approach, both in the Defense Department and elsewhere. Also, the President's statement initiating PPBS was excessively optimistic as to its likely results, at least during the first four years. The improvements have been

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steady but modest.

Second, a study of 17 agencies revealed that the interest of agency heads was decisive. When agency heads were unresponsive, policy analysis and planning in their areas of responsibility reflected their lack of interest.

Third, PPBS lacked the support of "important Congressional committees and Congressmen" or encountered outright opposition. If Congress had expressed an interest and demanded more policy analysis and program evaluation, it probably would have reinforced the executive branch's efforts and accelerated improvement.

Fourth, although about 1,000 new positions were created in the major executive departments and agencies, only about one-third of these were filled by personnel with the analytic skills necessary to handle PPBS satisfactorily.

The compendium also includes criticisms of the direction PPBS has taken. In his paper, Professor Aaron Wildavsky of the University of California suggests that overemphasis on program structure has had an adverse effect on policy analysis. Too many policy analysts spent their time merely identifying a better form for displaying financial data, Wildavsky argues. They should have spent more time analyzing major policy issues where the payoff was obvious.

Another criticism, offered by Dr. Allen Schick of the Brookings Institution, is that PPBS is excessively tied to budgeting. He contends that the budgeting process is basically "anti-analytic" and therefore "creates an inhospitable environment for policy analysis: rigid traditions and time schedules, the insularity of budgeting from outside happenings, and the reluctance of budget officials to depart from traditional programs or areas of concern." In short, he argues that budget-makers have too narrow a perspective to engage in policy planning.

Decision-making can also fail to address the problem of incentives. Charles Schultze contends that many federal programs create an incentive structure that almost guarantees inefficient results. He puts forth the following examples:

- Flood-control policies encourage uneconomic use of flood plains by providing free, or at least cut-rate, protection to the individual. Development of alternative sites or individual flood-proofing or insurance are not considered.
- Health programs encourage inefficiency by reimbursing hospital expenditures automatically, so that higher costs are passed on without challenge.
- Tax policy contributes to urban blight because capital-gains laws favor speculative investments. This discriminates against investments which would bring about maintenance and repair but would only produce ordinary income.

However, even if the failures of PPBS are overcome, there is still no guarantee that wise decisions will become automatic. Judgment is always necessary, even with the best policy analysis, planning, budgeting, and policy execution. And when it comes to the exercise of judgment on the proper objectives for public programs, one man's meat will always be another man's poison.

Yet it would be much easier to evaluate programs if there were unanimous agreement as to what a given program is supposed to accomplish. For example, analysis of the Institutional Training Program of the Manpower Development and Training Act indicates that average net earnings gained by participants in the program during the subsequent five years are 250 per cent of the per-trainee cost. Two-thirds of the recipients are poor and 40 per cent are under 21 years of age. On the other hand, similar information on the Neighborhood Youth Corps' Out-of-School Program suggests that this program increases the average

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earnings of participants by only 120 per cent of the per-trainee cost; however, in that program all of the participants are poor and under 21. In order to choose the desired mix of programs or for possible reorientation of each program, a weighing of each objective—income increases, assistance to poor people, assistance to youth—is necessary. But we have no objective social basis for assigning a specific value to a dollar transferred to a young person versus one spent on the elderly, or to a dollar transferred to a poor versus a non-poor person. Policy reflects the values of the policy-maker.

The weights attached to each objective, moreover, are likely to differ for each participant in the decision-making process. The weight that a Cabinet Secretary may attach to each objective when he makes recommendations to the President may differ markedly from those that the President attaches when he makes recommendations to the Congress; and each of the committees may attach still different weights when they make recommendations to the entire Congress.

But the measurement of the *achievement* of each objective will at least allow each participant to argue more knowingly and responsibly for his set of values. Therefore, PPBS promises to sharpen political bargaining, separate the relevant from the irrelevant, show the results of alternative decisions now and in the future, and provide feedback from actual performance.

In summary, the PPB System is worth the investment. It has received bipartisan support from both a Democratic and Republican Administration. However, it is only in the development stage, and its potential is yet to be realized. As improvements are made—and they are now planned—legitimate claims that government programs are ineffective, inefficient, or counter-productive will obviously not cease. But it seems a good bet that they will diminish. ■

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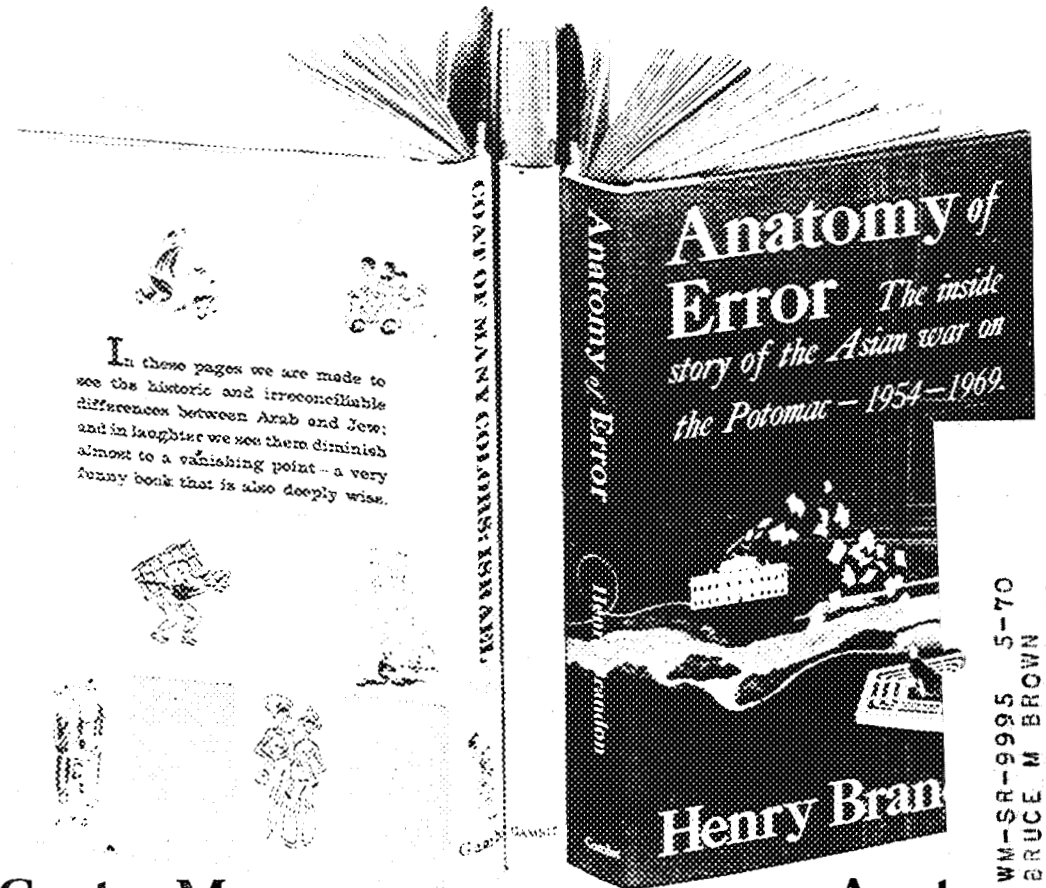

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